

port same back to the Senate with the recommendation that it do pass and be not printed.

LOVE, Chairman.

Committee Room,

Austin, Texas, March 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

H. B. No. 401, A bill to be entitled "An Act authorizing cities which now have, or may hereafter have 5,000 or more inhabitants, in case of condemnation of land for laying out, establishing or enlarging parks, parkways or pleasure grounds to provide that the cost of such land should be paid for, wholly or in part, by the property owners owning property in the vicinity thereof and benefitted thereby, and to fix liens against said property so benefitted to the extent same is specially benefitted, and providing how said benefits may be assessed and collected, and providing how such assessments may be made to mature."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

LOVE, Chairman.

Committee Room,

Austin, Texas, March 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 451, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene, accepting the provisions of an Act of the United States Congress approved December 23, 1921, as amended by the Sixty-ninth Congress by an Act approved January 22, 1927, and entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes' commonly known as the 'Sheppard-Towner Act;' providing that the work shall be carried on through the State Board of Health, through its Bureau of Child Hygiene, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and that it be not printed,

S. B. No. 295 on the same subject having heretofore been printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands, to whom was referred

H. B. No. 366, A bill to be entitled "An Act to validate the grants of land made by the Crown of Spain to Juan Antonio Vidaurri, his heirs and assigns, of Porciones 39 and 40, lying and being situated in Zapata County, Texas, and to authorize the Commissioner of the General Land Office to issue patents to Juan Antonio Vidaurri, his heirs and assigns to said porciones, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

REAL, Chairman.

FORTIETH DAY.

Senate Chamber,

Austin, Texas,

Saturday, March 12, 1927.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hall.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Love:

S. J. R. No. 34, A joint resolution "Proposing an amendment to the Constitution of the State of Texas authorizing the Legislature to provide by the donation of ad valorem taxes under certain restrictions, or otherwise, for the reclaiming of land from waters and floods, or the protection of lives and property from waters and floods in any territory within this State."

Read first time and referred to Committee on Constitutional Amendments.

Senate Bill No. 64.

On motion of Senator Real, the Senate concurred in the House amendments to S. B. No. 64, by the following vote:

Yeas— 21.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Smith.
Fairchild.	Stuart.
Greer.	Triplett.
Hall.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Wood.
Moore.	Woodward.
Pollard.	

Absent.

Bowers.	Neal.
Floyd.	Parr.
Hardin.	Reid.
McFarlane.	Russek.
Miller.	Witt.

The following is the copy of the amendments:

Amend S. B. No. 64 by striking out everything after the enacting clause and inserting in lieu thereof the following:

"Article 3943. Treasurer Commissions Limited. The Commissions allowed to any county treasurer shall not exceed \$2,000.00 annually; provided that in all counties in which the assessed value of the property of such counties shall be \$100,000,000 or more as shown by the preceding assessment roll, the treasurer

thereof shall reserve as their commissions a sum not exceeding \$2,700 annually; provided that in all counties having a population of 150,000 or more and less than 210,000 according to the last U. S. census, the treasurer thereof shall receive as their commissions a sum not exceeding \$2,700 annually and shall be allowed an assistant at a salary not to exceed \$1,000.00 per annum." And adding the emergency clause.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 147, A bill to be entitled "An Act to amend Article 2625 Revised Civil Statutes of Texas to change the number of the board of regents from six to nine members; and declaring an emergency."

S. B. No. 247, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

S. B. No. 279, A bill to be entitled "An Act to create Road District No. Three, in San Patricio County, etc."

S. B. No. 326, A bill to be entitled "An Act creating a more efficient road system for Madison County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, etc., and declaring an emergency."

With amendments.

S. B. No. 468, A bill to be entitled "An Act to create a more efficient road system for Shelby County, Texas; providing that the commissioners' court shall appoint five highway commissioners, one from each commissioners' precinct and one from the county at large; prescribing their powers and duties; providing that all road funds collected within the county may be used by

said highway commissioners to maintain and keep in repair the roads within the county, etc., and declaring an emergency."

S. B. No. 469, A bill to be entitled "An Act to fix the salary of the superintendents of public instruction of each county in Texas having a population of not less than 60,000 nor more than 73,000 according to the last Federal census; providing for office expenses; repealing all laws and parts of laws in conflict and declaring an emergency."

S. B. No. 470, A bill to be entitled "An Act to create Road District No. One of Van Zandt County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for the payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 471, A bill to be entitled "An Act creating, defining and establishing Road District No. 5 in Briscoe County, Texas, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; providing that said district shall be authorized to issue bonds or otherwise lend its credit for said purpose to an amount not to exceed one-fourth of the assessed valuation of real property situated therein, and levy, assess and collect general ad valorem taxes in payment thereof; providing that said district shall be governed in the issuance of bonds, lending its credit,

constructing and maintaining and operating its roads, and all other matters incident thereto by the provisions of the General Law; and declaring an emergency."

S. B. No. 479, A bill to be entitled "An Act amending the local road law of Dallas County so as to better provide for construction, reconstruction and repair of dirt roads connecting with the pikes or hard surface roads in said county, etc., and declaring an emergency."

H. B. No. 103, A bill to be entitled "An Act placing a closed season of five years on Mexican blue quail, partridge, quail, bobwhite, and wild pheasant in certain counties; providing a penalty for the violation of same; repealing all laws in conflict herewith, and declaring an emergency."

With engrossed rider.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 364, A bill to be entitled "An Act amending Article 1302 of the Revised Civil Statutes of 1925 so as to authorize the formation of private corporations for the purposes of acquiring, owning and colonizing land, provided that no such corporation shall acquire or own more than _____ acres of land in this State; repealing any law or part of law in conflict herewith; and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 365, A bill to be entitled "An Act to amend Article 4192 of the Revised Civil Statutes of 1925, providing for the making of oil and gas and other mineral leases by guardians of the estates of minors, and other persons, upon the real

estate belonging to the estates of their wards, and declaring an emergency."

H. B. No. 635, A bill to be entitled "An Act creating a special road law for Johnson county, Texas, providing for the condemnation of right-of-way and materials for the construction of roads; prescribing certain duties of railway companies in reference to draining right-of-ways; providing for county road tax; providing for the employment and payment of county convicts for work on roads; providing for the funding of certain outstanding indebtedness; providing for the disposition of funds recovered on certain depository bonds; repealing laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

S. C. R. No. 35, recalling S. B. No. 311 from the Governor.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to pass to third reading.

S. B. No. 228, A bill to be entitled "An Act to control the flood waters of the Trinity River; declaring that a great public calamity exists in the Trinity River Valley that requires immediate legislation for the prevention of the loss of lives and property in said county; providing for the voting and authorization of bonds for retarding and controlling the flood waters of the Trinity River; providing a method by which Tarrant County Water Control and Improvement District No. 1 may cooperate with the State of Texas in the construction of flood storage and retarding basins by which and

through which the flood waters of the Trinity River will be controlled or retarded, etc., and declaring an emergency."

By Senators Love, Stuart, Russek, Ward and Holbrook:

S. B. No. 229, A bill to be entitled "An Act releasing the inhabitants of any property subject to taxation for levee improvements in City and County of Dallas Levee Improvement District and Dallas County Levee Improvement District Number 5, for a period of twenty-five (25) years from the payment of ad valorem taxes levied for State purposes, because of great public calamities in said levee districts caused by waters and calamitous overflows, as provided in Section 10, of Article 8, of the State Constitution, etc., and declaring an emergency."

S. B. No. 259, A bill to be entitled "An Act to aid in protection of the property and lives of the citizens of Starr County from further disastrous and calamitous overflows and conserving and increasing the State-revenue derived from said county by granting and donating to Starr County, for a term of twenty-five years, or so much thereof as may be necessary, a portion of the State ad valorem taxes levied and collected on property subject to taxation in said county, to be used in payment in part of interest and sinking fund of bonds to be issued by said county to provide for the construction of necessary protection, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Senate Bill No. 455.

On the motion of Senator Moore, the Senate refused to concur in the House amendment to S. B. No. 455.

The following conference committee was appointed on the part of the Senate:

Moore, Lewis, Wood, Stuart, Bledsoe.

Senate Bill No. 326.

On the motion of Senator Lewis, the Senate refused to concur in the House amendment to S. B. No. 326.

The following conference committee was appointed on the part of the Senate:

Moore, Lewis, Wood, Stuart,
Bledsoe.

Senate Bill No. 125.

Senator Smith received unanimous consent to take up the following bill:

S. B. No. 125, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature 1925, relating to the appointment of jury commissioners to select grand jurors, providing for their compensation and prescribing their qualifications, so as to provide for the appointment of not less than three nor more than five in the discretion of the district judge."

The bill was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 125 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Wood.

Absent.

Bowers. Woodward.
Witt.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	McFarlane.
Berkeley.	Miller.
Bledsoe.	Moore.
Bowers.	Neal.
Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Price.
Hardin.	Real.
Holbrook.	Reid.
Lewis.	Russek.
Love.	Smith.

Stuart. Wirtz.
Triplett. Wood.
Ward. Woodward.
Westbrook.

Absent.

Hall. Witt.

Senate Bill No. 136.

Senator Smith received unanimous consent to take up the following bill:

S. B. No. 136, A bill to be entitled "An Act amending Article 2104 of the Revised Civil Statutes of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select petit jurors, providing for their compensation and prescribing their qualifications, so as to provide for the appointment of not less than three nor more than five, in the discretion of the District Judge, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 136 was put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Hardin.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Floyd.
Berkeley.	Greer.
Bledsoe.	Hall.
Bowers.	Holbrook.
Fairchild.	Lewis.

Love.	Russek.
McFarlane.	Smith.
Miller.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

Absent.

Hardin. Westbrook.

Simple Resolution No. 87.

Senator Woodward sent up the following resolution:

Whereas, Voucher No. 610 issued to Rev. Randolph Clark, Chaplain dated from February 12th, to February 18th has been lost,

Therefore, be it resolved that the Secretary of the Senate be authorized to issue duplicate warrant in lieu thereof.

The resolution was read and adopted.

S. C. R. No. 35.

Senator Price sent up the following resolution:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring:

That the Governor of the State of Texas be requested to return Senate Bill No. 311 to the Legislature, and

That the Speaker of the House of Representatives and the President of the Senate be requested to erase their signatures from said bill, so that the same may be corrected.

The resolution was read and adopted.

House Bill No. 109.

The Chair laid before the Senate, as a special order the following bill:

H. B. No. 109, A bill to be entitled "An Act relative to registration fees of motor vehicles and motorcycles, amending Article 6678, Revised Civil Statutes of 1925, so as to eliminate registration fees based upon horsepower; amending Article 6679, Revised Civil Statutes of 1925, so as to eliminate registration fees on trucks based upon horsepower; providing for registration fees in addition to fees based upon weights to be paid by owners of passenger motor vehicles operated for hire; providing a penalty for

failure to pay the same; amending Article 6691, Revised Civil Statutes of 1925, so as to provide for portion of registration fees to go to the county road and bridge fund; repealing Article 820 of the Penal Code; providing that if any section is declared unconstitutional it shall not invalidate any remaining section or parts of this Act, and declaring an emergency."

The bill was read second time.

The committee report carrying a substitute was read and adopted.

Senator Wirtz sent up the following amendment:

Amend Committee amendment No. 1 of H. B. No. 109 as printed at Page 735 of the Senate Journal by inserting in the eighteenth line of Article 6691, after the word "county" and before the word "exceeding" the following words:

"In any one calendar year."

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

Amend Article 6691 by striking out the first two lines of said section down to the word "together" and by amending lines 10 and 11 to hereafter read as follows:

"Fifty per cent of all weight fees collected."

The amendment was read.

Senator Moore sent up the following substitute for the amendment by Senator McFarlane.

Substitute for Pending Amendment.

Amend Senate committee amendment to H. B. No. 109, page 735 of Senate Journal, lines 14 and 15 of Section 1, as follows:

Strike out the words and figures "thirty per cent (30%)" and insert in lieu thereof the following words and figures: "Fifty per cent (50%)".

The substitute was read.

Senator Wirtz moved to table the substitute.

The motion to table prevailed by the following vote:

Yeas—24.

Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	Neal.
Greer.	Parr.
Hall.	Pollard.

Price.	Ward.
Reid.	Wirtz.
Russek.	Witt.
Smith.	Wood.
Triplett.	Woodward.

Nays—6.

McFarlane.	Real.
Miller.	Stuart.
Moore.	Westbrook.

Absent.

Bailey.

Senator Bowers moved to table the amendment by Senator McFarlane.

The motion to table prevailed by the following vote:

Yeas—21.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Wood.
Love.	Woodward.
Neal.	

Nays—8.

McFarlane.	Stuart.
Miller.	Westbrook.
Moore.	Wirtz.
Real.	Witt.

Absent.

Bailey. Hardin.

Senator Fairchild sent up the following amendment:

Amend Committee Amendment No. 1 to H. B. 109 as printed at Page 735 of the Senate Journal by striking out of Article 6691 the following language:

"Each county may use the tax so apportioned to it on any county roads that it may deem necessary or expedient."

And inserting in lieu thereof the following:

"None of said moneys so placed to the credit of the road and bridge fund shall be used to pay the salary or compensation of any county judge or county commissioner, but all of said money shall be used for construction and maintenance of lateral roads in the county under the supervision of county engineer if one, if not, under the Division Engineer of the State Highway Department. The term, 'lateral roads' within the

meaning of this Article means any and all roads other than State designated highways."

The amendment was read and adopted by the following vote:

Yeas—25.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Neal.	

Nays—5.

Bledsoe.	Wood.
Floyd.	Woodward.
Parr.	

Absent.

Hardin. Witt.

Absent—Excused.

Bailey.

House Bills Referred.

After their captions were read the Chair referred the following bills:

H. B. No. 103, read and referred to Committee on State Affairs.

H. B. No. 365, read and referred to Committee on Civil Jurisprudence.

H. B. No. 53, read and referred to Committee on Highways and Motor Traffic.

Bills Signed.

The Chair Lieut. Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. C. R. No. 35	S. B. No. 247.
S. B. No. 242.	S. B. No. 364.
S. B. No. 64.	S. B. No. 147.
S. B. No. 479.	S. B. No. 471.
S. B. No. 469.	S. B. No. 448.
S. B. No. 470.	S. B. No. 478.
S. B. No. 468.	

House Bill No. 109.

Senator Fairchild received unanimous consent to have the caption of H. B. No. 109 amended so as to comply with his amendment.

Recess.

On the motion of Senator Holbrook, the Senate at 12:10 p. m., re-

cessed until this afternoon at 2:30 p. m.

After Recess.

The Senate was called to order at 2:30 p. m. by Lieut. Governor Barry Miller pursuant to recess.

Senate Bill No. 474.

Senator Witt received unanimous consent to take up the following bill:

S. B. No. 474, A bill to be entitled "An Act to withdraw from sale the oil and gas in university land until such time as the Legislature may enact laws deemed adequate to protect the interest of the university in its available and permanent funds, on the condition only that the university mineral lease or sales Act of March 10, 1925, Chapter 71, shall be held invalid or ineffective by the Supreme Court of Texas in suits now pending or that may hereafter be filed; and in that event prohibiting the Commissioner of the General Land Office from issuing any oil and gas permit upon application heretofore or hereafter filed, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 474 put on its third reading and final passage, by the following vote:

Yeas—26.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Hardin.	Miller.
McFarlane.	Wirtz.

Absent—Excused.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Smith.
Floyd.	Stuart.
Greer.	Triplett.
Hall.	Ward.
Holbrook.	Westbrook.
Lewis.	Witt.
Love.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin.	Reid.
McFarlane.	Russek.
Miller.	Wirtz.

Senate Bill No. 311.

The Chair laid before the Senate with House amendments the following bill:

S. B. No. 311, A bill to be entitled "An Act to repeal sub-division 1, Article 3883, Chapter 1, Title 61, of the Revised Civil Statutes of 1925, and to amend Article 3900, Chapter 1, Title 61, of the Revised Civil Statutes of 1925, so as to provide that certain officers in counties having a population of twenty-five thousand, or less, inhabitants, according to the last preceding United States Census, shall be exempt from the provisions of Article 3891, 3896 and 3897, Chapter 1, Title 61, of the Revised Civil Statutes of 1925; and declaring an emergency."

The bill was read.

Senator Price moved not to concur in the House amendments to the bill and to ask for a free conference. The motion prevailed.

The Chair announced the appointment of the following on the part of the Senate to be members of the free conference committee on S. B. No. 311:

Senators Price, Lewis, Bailey, Bledsoe, Bowers.

House Bill No. 488.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 488, A bill to be entitled "An Act amending Article 350, Revised Civil Statutes of Texas of 1925, so as to authorize the Banking Commissioner of Texas to appoint State bank examiners, not to exceed one for each thirty banking corporations subject to examination; and declaring an emergency."

The bill was read third time and passed finally.

House Bill No. 487.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 487, A bill to be entitled "An Act amending Article 351, Revised Civil Statutes of Texas, 1925, changing and increasing the compensation of Field Examiners for State Banks and Banking Corporations; and declaring an emergency."

The bill was read third time and passed finally.

House Bill No. 500.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 500, A bill to be entitled "An Act to repeal Article 348, Revised Civil Statutes of Texas, of 1925, and declaring an emergency."

The bill was read third time and passed finally.

House Bill No. 501.

The Chair laid before the Senate the following bill:

H. B. No. 501, A bill to be entitled "An Act requiring the Banking Commissioner of Texas to file a final report of all liquidations; providing that upon approval of such final report the charter of each bank shall be forfeited; and further providing for the filing of certificates of such forfeiture; and declaring an emergency."

Read third time and passed finally.

House Bill No. 502.

The Chair laid before the Senate the following bill:

H. B. No. 502, A bill to be entitled "An Act requiring directors of State banks, bank and trust companies and banking corporations, organized and doing business under the laws of this State, to be elected annually; and declaring an emergency."

Read third time and passed finally.

House Bill No. 503.

The Chair laid before the Senate the following bill:

H. B. No. 503, A bill to be entitled "An Act relieving State banks, in the hands of the Banking Commissioner for liquidation, from the payment of franchise taxes; providing that the failure of the Commissioner to pay franchise taxes for any such bank

shall not operate to revoke or forfeit the charter of such corporation; repealing all laws in conflict; and declaring an emergency."

Read third time and passed finally.

House Bill No. 504.

The Chair laid before the Senate the following bill:

H. B. No. 504, A bill to be entitled "An Act amending Article 517, Revised Civil Statutes of Texas, of 1925, and providing that no attorney's fee shall be collectible on notes or other evidence of debt issued by a State bank in the hands of the Commissioner for liquidation, where such notes or other evidence of debt are placed with an attorney for collection within thirty days after closing of such bank; and declaring an emergency."

Read third time and passed finally.

House Bill No. 505.

The Chair laid before the Senate the following bill:

H. B. No. 505, A bill to be entitled "An Act prohibiting the Banking Commissioner and his employees from purchasing, directly or indirectly, any asset belonging to a State bank in the hands of the Commissioner for liquidation; providing penalty and declaring an emergency."

Read third time and passed finally.

House Bill No. 506.

The Chair laid before the Senate the following bill:

H. B. No. 506, A bill to be entitled "An Act amending Article 497, Revised Civil Statutes of Texas, 1925, and empowering the Banking Commissioner to require from State banks any statement concerning the affairs of such corporations as he may deem necessary; providing a penalty; fixing the venue of suits, and the disposition of penalties collected; and declaring an emergency."

Read third time and passed finally.

House Bill No. 507.

The Chair laid before the Senate the following bill:

H. B. No. 507, A bill to be entitled "An Act repealing Article 372, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Read third time and passed finally.

House Bill No. 508.

The Chair laid before the Senate the following bill:

H. B. No. 508, A bill to be entitled "An Act to require all State banks, saving banks, and bank and trust companies to adopt by-laws and to file certified copies of such by-laws with the Banking Commissioner; providing a penalty; and declaring an emergency."

Read third time and passed finally.

House Bill No. 509.

The Chair laid before the Senate the following bill:

H. B. No. 509, A bill to be entitled "An Act making it a felony for any stockholder, officer, director, employee, or agent of any bank, incorporated and operating under the laws of this State, to abstract, remove, destroy, or secrete any papers, books or records of any such bank, or from the custody of the Banking Commissioner; providing a penalty, prescribing the procedure for the indictment and trial of principal offenders, accomplices, and accessories; repealing all laws in conflict, and declaring an emergency."

Read third time and passed finally.

House Bill No. 510.

The Chair laid before the Senate the following bill:

H. B. No. 510, A bill to be entitled "An Act making it a felony for any director, officer, or employee of a State bank or bank and trust company to enter into any contract with a bucket shop, as defined in Article 659 of the Penal Code of Texas, or to place an order with a bucket shop, as thus defined, for a margin contract or any contract denounced by Article 658, and by Article 661 of the Penal Code of Texas; fixing a penalty, and declaring an emergency."

Read third time and passed finally.

House Bill No. 511.

The Chair laid before the Senate the following bill:

H. B. No. 511, A bill to be entitled "An Act to amend Article 373, Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirtieth Legislature, eliminating therefrom the words 'and a receiver or other agency appointed for the liqui-

dation of the affairs and the payment of its debts,' and substituting therefor the following 'and taken over by the Banking Commissioner of Texas for the purpose of liquidation, as provided by law'; and declaring an emergency."

Read third time and passed finally.

House Bill No. 512.

The Chair laid before the Senate the following bill:

H. B. No. 512, A bill to be entitled "An Act requiring all State banks to charge off annually for depreciation a percentage of cost of furniture and fixtures and regulating the carrying of bank buildings as an asset; and declaring an emergency."

Read third time and passed finally.

House Bill No. 513.

The Chair laid before the Senate the following bill:

H. B. No. 513, A bill to be entitled "An Act to amend Article 455, Revised Civil Statutes of Texas, and eliminating therefrom the provision that stockholders who are depositors of insolvent banks shall be protected for only that portion of their deposits over and above their liability as stockholders; and providing for the venue of suits to enforce stockholders' liability; and declaring an emergency."

Read third time and passed finally.

House Bill No. 514.

The Chair laid before the Senate the following bill:

H. B. No. 514, A bill to be entitled "An Act amending Article 544 of the Penal Code of the State of Texas, of 1925, reducing the minimum penalty for embezzling or misapplying the funds of any State bank or bank and trust company incorporated under the laws of Texas from five years to two years; and declaring an emergency."

Read third time and passed finally.

House Bill No. 532.

The Chair laid before the Senate the following bill:

H. B. No. 532, A bill to be entitled "An Act prohibiting the sale by any officer, director or employee of a State bank of any note, security or property to such bank without the

written consent of the board of directors."

Read third time and passed finally.

House Bill No. 533.

The Chair laid before the Senate the following bill:

H. B. No. 533, A bill to be entitled "An Act prohibiting any person from being president and cashier, at the same time in any bank, organized and operating under the laws of this State."

Read third time and passed finally.

House Bill No. 534.

The Chair laid before the Senate the following bill:

H. B. No. 534, A bill to be entitled "An Act to authorize the admission in evidence, in suits to which the Banking Commissioner of Texas may be a party, of all books, records, papers and documents, or certified copies thereof, of insolvent banks in course of liquidation by the Banking Commissioners; and providing that such originals or certified copies shall be prima facie evidence of the facts therein contained; and declaring an emergency."

Read third time and passed finally.

House Bill No. 536.

The Chair laid before the Senate the following bill:

H. B. No. 536, A bill to be entitled "An Act to relieve the Banking Commissioner and the State Banking Board from giving cost bonds in trial courts, and cost bonds and superseas bonds on appeal; repealing all laws in conflict herewith; and declaring an emergency."

Read third time and passed finally.

House Bill No. 545.

The Chair laid before the Senate the following bill:

H. B. No. 545, A bill to be entitled "An Act amending Article 506, Revised Civil Statutes, 1925, and requiring State banks and State bank and trust companies to increase their capital stock when there shall be an undue excess of deposits over capital stock and surplus, and giving the Banking Commissioner authority to require an additional increase of capital stock of such corporations when necessary for the protection of de-

positors; prescribing the ratio of deposits to capital stock and surplus; requiring annual reports of total average daily deposits and the time thereof; making directors personally liable to depositors, in event of failure to comply with the provisions of this Act, and declaring an emergency."

Read third time and passed finally.

House Bill No. 546.

The Chair laid before the Senate the following bill:

H. B. No. 546, A bill to be entitled "An Act providing for and regulating the amendments of charters of State banks and State bank and trust companies; and declaring an emergency."

Read third time and passed finally.

Senate Bill No. 109.

The question recurred upon the passage of H. B. No. 109 to third reading.

Senator Love sent up the following amendment:

Amend H. B. No. 109 by inserting therein a new section just before the emergency clause to be numbered Section 1a which shall read as follows:

"Section 1a. No payment shall be made out of that portion of the registration fees on motor vehicles, motorcycles, motor trucks, trailers or tractors going into the State highway fund, to any person, firm or corporation or to any agent or representative thereof, under, pursuant to or on account of any contract for the construction, reconstruction, maintenance or repair of any highway or bridge, or for the furnishing of any material therefor, unless and until there shall be filed with the State Highway Commission satisfactory evidence that such person, firm or corporation has filed with the county clerk of each county in which any work has been done or material furnished under such contract, a sworn statement showing: (a) Any amounts paid to any attorney or other person, giving the names of such attorneys or persons as compensation for aid or assisting in procuring such contract or in influencing the letting thereof, and (b) all contributions made by any such person, firm or corporation to any campaign fund in

this State within two years prior to the letting of such contract, and any loans made to any candidate, and (c) all amounts paid to any newspaper, publication or periodical for advertising or on any other account since the letting of such contract or within one year prior thereto."

Amend H. B. No. 109 by inserting in the caption just before the words "and declaring an emergency" the following: "prescribing certain regulations and restrictions as to the disbursement of registration fees on motor vehicles, motorcycles, motor trucks, trailers and tractors which go into the State Highway fund;"

The amendments were read.

Senator Wood made the point of order that the amendment was not germane to the bill.

The Chair sustained the point of order.

Senator Stuart sent up the following amendment:

Amend H. B. No. 109 by striking out of Section 1, the following:

"together with thirty per cent (30%) of all weight fees collected by such tax collector by virtue of Articles 6678, 6679, 6680 and 6681 of the Revised Civil Statutes of Texas, 1925; provided, however, that no tax collector of any one county shall deposit in the county depository of his county exceeding the sum of fifty thousand (\$50,000.00) dollars of such weight fees. The amount so deposited in the county depository hereunder to be deducted from the gross registration fees collected during the preceeding week,"

The amendment was read.

Senator Pollard moved to table the amendment.

The motion to table prevailed.

Senator Stuart sent up the following amendment:

Amend H. B. No. 109 by striking out of Section 1, the following:

"provided, however, that no tax collector of any one county shall deposit in the county depository of his county exceeding the sum of fifty thousand (\$50,000.00) dollars of such weight fees."

STUART.

REAL.

The amendment was read.

On motion of Senator Holbrook, the amendment was tabled.

Senator Real sent up the following amendment:

Amend Committee Amendment No. 1 of H. B. 109, as printed at Page 735 of the Senate Journal by striking out of Article 6691 the following words:

"provided however that no tax collector of any one county shall deposit in the county depository of his county exceeding the sum of fifty thousand (\$50,000.00) dollars of such weight fees."

And inserting in lieu thereof the following:

"provided however that no tax collector of any one county having a population of 150,000 or more, according to the next preceding United States Census shall deposit in the county depository of his county in any one calendar year exceeding the sum of \$100,000.00 of such weight fees, and no tax collector of any other county in this State shall deposit in the county depository of his county in any one calendar year exceeding the sum of \$50,000.00 of such weight fees."

REAL,
STUART,
HALL.

The amendment was read.

The previous question was ordered upon the amendment and the bill.

The amendment failed to be adopted.

The committee amendment carrying a substitute was adopted by the following vote:

Yeas—25.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
McFarlane.	Wood.
Moore.	Woodward.
Love.	

Nays—2.

Miller.	Stuart.
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Absent.

Price.	Witt.
Smith.	

Absent—Excused.

Bailey.

The bill was passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 109 was put on its third reading and final passage, by the following vote:

Yeas—27.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Wood.
Moore.	Woodward.
Neal.	

Nays—2.

Miller. Stuart.

Absent.

Witt.

Absent—Excused.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Nays—1.

Stuart.

Absent.

Witt.

Absent—Excused.

Bailey.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House, with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 448, A bill to be entitled "An Act validating the bonds of Cameron County Water Improvement District Number Five, in Cameron County, Texas, in the sum of Six hundred thousand dollars, authorized by an election held in said District on the 21st day of December, A. D. 1926, and validating all the acts done and performed by the board of directors and officers, attorneys, agents, servants and employees of said district, etc., and declaring an emergency."

S. B. No. 478, A bill to be entitled "An Act making provision for a district attorney in the Ninetieth Judicial District of Texas, and an assistant district attorney in said district, etc., and declaring an emergency."

H. B. No. 69, A bill to be entitled "An Act levying a State occupation tax on every person, firm, partnership, company, corporation, association, receiver, trustee, common law trust or other concern selling at retail cigars and cigarettes; defining person; defining wholesaler; defining retailer, to include sales to consumers in any quantity; enacting the necessary provision to enforce the collection of the tax and to accomplish the purpose of the act; prescribing penalties for failure to comply with the requirements of the act; providing for reports to be made by retailers to the Comptroller of all purchases made and of all sales made and for payment of the tax; providing for wholesalers to report to the Comptroller all sales made to the retailers in Texas; providing for the disposition of funds received; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 644, A bill to be entitled "An Act to ratify, approve, confirm and declare enforceable all levies and assessments and ad valorem taxes heretofore made by the governing body of the town of Pleasanton, in Atascosa county, Texas, which are unenforceable because same were made or adopted by resolution, motion or other informal action of order instead of by ordinance, and of all assessments of taxes or assessments of property within the limits of said town for taxation which are insuffi-

cient because of technical irregularities in the manner of preparing the books and reports thereof, and of all equalizations of such property for taxation purposes by boards of equalization acting for said town or its council which are insufficient because such equalization or reports thereof were made orally or in incomplete form, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: In compliance with S. C. R. No. 31, adopted by the House authorizing the Speaker to appoint a committee of four to select a State song the following committee is appointed:

Dunlap, Chairman; Purl, Hagan, Duval.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a free conference on S. B. No. 31 and the following committee is appointed on the part of the House:

Powell, Smythe, Storey, Montgomery, Satterwhite.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to:

H. B. No. 545 by vote of 104 yeas and no nays.

H. B. No. 508 by vote of 105 yeas and no nays.

H. B. No. 7 by vote of 103 yeas and 2 nays.

H. B. No. 8 by vote of 108 yeas and no nays.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House in accordance with resolution, returns to the Senate H. B. No. 488 for further consideration.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 409, A bill to be entitled "An Act to amend Article 4401 and 4403 of the Revised Civil Statutes of Texas by providing that the Attorney General shall be authorized and required to attend sales of property under deeds of trust, to bid on and buy in and sell said property."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

House Bill No. 370.

The Chair laid before the Senate, as pending business, the following bill:

S. B. No. 370, A bill to be entitled "An Act to amend Article 1302, Revised Civil Statutes of 1925, which Article provides for the manner of issuing charters by the State to private corporations, and which amendment provides that private corporations may be formed under General Law for all purposes not in contravention of the Constitution of Texas or the United States, or inconsistent with provision of General Law or the public policy of the State; providing for a franchise tax on corporations including more than one purpose, which tax shall be in addition to the franchise tax now provided by law; and further providing that corporations shall have all powers necessary to purposes for which created; declaring that all charters issued to private corporations heretofore are effective for the purposes for which created; providing that charters be recorded in the records in the principal office of the corporation, and requiring that such charters shall be recorded in the county records of the county of the principal office of the

corporation, and in each county in which a branch of it is maintained; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The question recurred upon the amendment by Senator Bowers.

Senator Holbrook moved to indefinitely postpone the amendment and the bill.

The motion to indefinitely postpone was adopted.

House Joint Resolution No. 14.

Senator Bledsoe called up the motion to reconsider the vote by which H. J. R. No. 14 failed to pass.

The motion to reconsider was adopted.

Senator Wood sent up the following amendment:

Amendment No. 1.

Amend H. J. R. No. 14, as amended, by striking out of said resolution Section 1, and insert in lieu thereof the following:

"Section 1. That Article 7 of the Constitution of the State of Texas be amended by adding thereto Section 16, which section shall read as follows:

"The Legislature shall fix by law the terms of all officers of the public school system and of the State institutions of higher education, inclusive, and the terms of the members of the respective boards, not to exceed six years."

The amendment was read and adopted by unanimous vote.

Senator Wood sent up the following amendment:

Amendment No. 2.

Amend H. J. R. No. 14, as amended, and Section 2 thereof, as amended, by striking out of said Section the words "ten years" and insert in lieu thereof "six years."

The amendment was read and adopted by unanimous vote.

Senator Wood sent up the following amendment:

Amendment No. 3.

Amend H. J. R. No. 14, as amended, and Section 3 thereof, as amended, by striking out of said Section 3, wherever it occurs, "ten years," and insert in lieu thereof "six years."

The amendment was read and adopted by unanimous vote.

Senator Wood sent up the following amendment:

Amendment No. 4.

Amend H. J. R. No. 14, as amended, by striking out of Sub-section 2, of Section 3, the following language, wherever it occurs: "to serve without compensation."

The amendment was read and adopted by unanimous vote.

The resolution was finally passed by the following vote:

Yeas—24.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Wood.
Moore.	Woodward.

Nays—4.

Bailey.	Miller.
Holbrook.	Wirtz.

Absent.

Real.	Witt.
Westbrook.	

House Bill No. 647.

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 647, A bill to be entitled "An Act amending Subdivision 64 of Article 199 of the Revised Civil Statutes of 1925, so as to change the time of holding district court in Bailey County in the Sixty-fourth Judicial District of Texas; and declaring an emergency."

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 647 was put on its second reading and final passage by the following vote:

Yeas—31.

Bailey.	Fairchild.
Berkeley.	Floyd.
Bledsoe.	Greer.
Bowers.	Hall.

Hardin.	Reid.
Holbrook.	Russek.
Lewis.	Smith.
Love.	Stuart.
McFarlane.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Neal.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.
Real.	

The bill was read second time.

The Senate rule requiring committee reports to lay over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 647 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

House Bill No. 7.

The Chair laid before the Senate the following bill:

H. B. No. 7, A bill to be entitled "An Act prohibiting the sale, offer for sale, and exposing for sale, within this State for human consumption, and the transportation and delivery to any common carrier for transport within this State, of diseased, immature, unripe, over-ripe or frost damaged oranges, lemons, grapefruit or other citrus fruits; or any oranges, the juice of which shall contain more than one and three-tenths per centum, by weight, of crystallized citric acid; or any grapefruit, the juice of which shall contain more than one and three-fourths per centum, by weight, of crystallized citric acid; or any misbranded citrus fruit; defining the offense of misbranding citrus fruit; prescribing the powers of the Commissioner of Agriculture with regard to the provisions of this Act; making his official certificate admissible in evidence in proof of certain facts; and fixing a penalty for violation of the provisions of this Act; and declaring an emergency."

The bill was read third and finally passed by the following vote:

Yeas—22.

Bailey.	McFarlane.
Berkeley.	Miller.
Bledsoe.	Neal.
Bowers.	Parr.
Fairchild.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Lewis.	Ward.
Love.	Wood.

Absent.

Holbrook.	Westbrook.
Moore.	Wirtz.
Pollard.	Witt.
Real.	Woodward.
Stuart.	

House Bill No. 8.

The Chair laid before the Senate the following bill:

C. S. H. B. No. 8, A bill to be entitled "An Act to amend Articles 2757 and 2758, Revised Civil Statutes of Texas, of 1925, relating to the formation of

independent school districts and the election of a board of trustees thereof, and declaring an emergency."

The bill was read third time and finally passed.

House Bill No. 13.

The Chair laid before the Senate the following bill:

H. B. No. 13, A bill to be entitled "An Act amending Article 47 of the Penal Code of the State of Texas of 1925, so as to properly define the word "offense," the word "felony" and the word "misdemeanor," prescribing what is and is not a capital felony; and declaring an emergency."

The bill was read third time and finally passed.

House Bill No. 16.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 16, A bill to be entitled "An Act amending Sections 10, 16 and 17, of Chapter 24, of the Special Laws of the State of Texas, approved March 5, 1913, and passed by the Thirty-third Legislature, relating to the road system of Hamilton County, by changing the minimum age of persons required to work the roads from eighteen to twenty-one, and changing the amount of indebtedness that can be created in road matters, and changing the compensation of the road supervisors."

The bill was read third time and finally passed by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

House Bill No. 485.

The Chair laid before the Senate on third reading the following bill:

H. B. No. 485, A bill to be entitled

"An Act abolishing the office of district attorney in the Second Judicial District of Texas, fixing the duties of the county attorneys of said district, and fixing their compensation; repealing all laws or parts of laws in conflict herewith and providing when said Act shall be effective."

The bill was read third time and finally passed.

House Bill No. 605.

The Chair laid before the Senate the following bill:

H. B. No. 605, A bill to be entitled "An Act amending Subdivision 2 Article 199, Title 8, Revised Civil Statutes of Texas of 1925, and providing for changing and prescribing terms and times of holding the courts in the Second Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances and making them returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; providing for and declaring an emergency, and providing time for the Act to take effect."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 605, put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally.

House Bill No. 636.

Senator Neal called up H. B. No. 6. On the motion of Senator Neal the vote by which the bill was finally passed was reconsidered.

Senator Neal sent up the following amendment:

Amend H. B. No. 636, by substituting the Senate bill on the same subject being S. B. No. 484.

The amendment was ordered not printed by unanimous consent.

The bill was finally passed by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

House Bill No. 626.

The Chair laid before the Senate the following bill:

H. B. No. 626, A bill to be entitled "An Act to amend Article 1323, of Chapter 3, of Title 32, of the Revised Civil Statutes of Texas, of 1925, so as to provide that any corporation formed under Subdivisions 1, 2 and 3, of Chapter 1, of Title 32, of such Revised Statutes may elect all or part of its directors for terms of not exceeding three years, and declaring an emergency."

The committee report was adopted.

The bill was read second time, and passed to third reading.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 626 was put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.
Floyd.	Love.

McFarlane.
Miller.
Moore.
Neal.
Parr.
Pollard.
Price.
Real.
Reid.
Russek.

Smith.
Stuart.
Triplett.
Ward.
Westbrook.
Wirtz.
Witt.
Wood.
Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

House Bill No. 561.

Senator Wood called up the Free Conference report on H. B. No. 561.

The report was adopted by the following vote:

Yeas—27.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Smith.	Ward.
Stuart.	

Absent—Excused.

Bailey.

House Bills Referred.

After their captions were read the Chair referred the following bills:

H. B. No. 69, read and referred to Committee on State Affairs.

H. B. No. 644, read and referred to Committee on Internal Improvements.

House Bill No. 67.

Senator Wood moved that the Committee on State Affairs be required to report H. B. No. 69 by 5:00 o'clock this afternoon.

The previous question was ordered by the following vote:

Yeas—16.

Berkeley.	Reid.
Bowers.	Russek.
Fairchild.	Smith.
Greer.	Triplett.
Love.	Westbrook.
Moore.	Wirtz.
Neal.	Wood.
Parr.	Woodward.

Nays—11.

Bailey.	Price.
Hardin.	Real.
Holbrook.	Stuart.
McFarlane.	Ward.
Miller.	Witt.
Pollard.	

Present—Not Voting.

Floyd.

Absent.

Lewis.

Pairs Recorded.

Senator Hall (present), who would vote Nay with Senator Bledsoe (absent), who would vote Yea.

The motion by Senator Wood was adopted by the following vote:

Yeas—19.

Berkeley.	Price.
Bowers.	Reid.
Fairchild.	Russek.
Greer.	Smith.
Holbrook.	Westbrook.
Love.	Wirtz.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Nays—8.

Bailey.	Real.
Hardin.	Stuart.
McFarlane.	Triplett.
Miller.	Ward.
Pollard.	Witt.

Present—Not Voting.

Floyd.

Absent.

Lewis.

Pairs Recorded.

Senator Hall (present), who would vote Nay with Senator Bledsoe (absent), who would vote Yea.

House Bill No. 366.

The Chair laid before the Senate the following bill:

H. B. No. 366, A bill to be entitled "An Act to validate the grants of land made by the Crown of Spain to Juan Antonio Vidaurri, his heirs and assigns, of porciones 39 and 40, lying and being situated in Zapata County, Texas, etc; and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 366 was put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Miller.
Berkeley.	Moore.
Bowers.	Neal.
Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.

Westbrook.
Wirtz.
Witt.

Wood.
Woodward.

Absent.

Bledsoe. Price.

Simple Resolution No. 88.

Senator Love sent up the following resolution:

S. R. No. 88, Resolved: That the Senate respectfully request the House of Representatives to return to the Senate for further consideration H. B. No. 488.

The resolution was read and adopted.

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following executive message:

Executive Department.

Austin, Texas, March 12, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent I desire to appoint the following named persons to the following named board:

Commissioners King's Memorial Park.

J. T. Vance, Refugio County.

John O'Brien, Refugio County.

Mrs. Josephine Mitchell, Refugio County.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Senate Bill No. 404.

The Chair laid before the Senate by unanimous consent the following bill:

S. B. No. 404, A bill to be entitled "An Act to amend Article 322 of the Revised Civil Statutes for 1925, so as to provide for the election of a district attorney in certain judicial districts providing for the election of a criminal district attorney in certain counties, and declaring an emergency."

The bill was read second time, committee report adopted, and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 404 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.
Berkeley.
Bowers.
Fairchild.
Floyd.
Greer.
Hall.
Hardin.
Holbrook.
Lewis.
Love.
McFarlane.
Miller.
Moore.
Neal,

Parr.
Pollard.
Real.
Reid.
Russek.
Smith.
Stuart.
Triplett.
Ward.
Westbrook.
Wirtz.
Witt.
Wood.
Woodward.

Absent.

Bledsoe. Price.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.
Berkeley.
Bowers.
Fairchild.
Greer.
Hall.
Hardin.
Holbrook.
Lewis.
Love.
McFarlane.
Miller.
Moore.

Neal.
Parr.
Pollard.
Real.
Reid.
Russek.
Stuart.
Triplett.
Ward.
Westbrook.
Wood.
Woodward.

Absent.

Bledsoe.
Floyd.
Price.

Smith.
Wirtz.
Witt.

House Bill No. 451.

The Chair laid before the Senate by unanimous consent, the following bill:

H. B. No. 451, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene accepting the provisions of an act of the United States Congress approved December 23, 1921, as amended by the Sixty-ninth Congress by an act approved January 22, 1927, and entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes,' commonly known as the 'Sheppard-Towner Act'; providing that the work shall be carried on through the State Board of Health, through its Bureau of Child Hygiene, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 451 put on its third reading and final passage by the following vote:

Yeas—27.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bledsoe.	Witt.
Floyd.	

Absent—Excused.

Bailey.

The bill was read third time and finally passed.

Messages From the Governor.

Executive Department,

Austin, Texas, March 10, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen:

With your advice and consent, I desire to appoint the following named persons to the following offices, respectively:

To be members of the State Board of Health: Dr. J. C. Anderson, Plainview, Hale County; Dr. J. C. Thomas, Austin, Travis County; Dr. A. A. Ross, Lockhart, Caldwell County; Dr. W. A. King, San Antonio, Bexar County; Dr. E. W. Wright, Bowie, Montague County; Dr. C. M. Rosser, Dallas, Dallas County; Dr. J. M. Frazier, Belton, Bell County.

To be members of the Penitentiary Supervisory Board: Mrs. J. E. King of Bexar County; Dr. J. T. Harrington of McLennan County.

To be members of the Board of Public Accountancy: Mr. C. E. Smith of Wichita County; Mr. F. C. Rogers.

To be members of the Texas Historical Board: Mr. Tom L. McCullough of Dallas County; Mr. A. A.

Amundsen, Jr., of Galveston County.

To be members of the Fannin State Park Board, Goliad County: Mr. Wallace E. Fowler of Goliad County; Mr. G. J. Swickheimer of Goliad County; Mrs. Ada Pettus McFaddin of Victoria County.

Respectfully submitted,

DAN MOODY,

Governor of Texas.

Executive Department,

Austin, Texas, March 8, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen:

With your advice and consent I desire to appoint Honorable Curtis Douglass of Carson County, Texas, to be District Attorney of the Eighty-fourth Judicial District of the State of Texas.

Respectfully submitted,

DAN MOODY,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Executive Department,

Austin, Texas, March 8, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons of Galveston County, to be members of the Board of Commissioners of Pilots of the Ports of Galveston and Texas City: J. H. Langben, P. M. Gengler, E. V. Rhodes, Robert I. Cohen, George D. Morgan.

Respectfully submitted,

DAN MOODY,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Executive Department,

Austin, Texas, March 3, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent I desire to appoint the following named persons to be public weighers at Galveston, Texas. These gentlemen have been recommended by the Senator and Representatives of that district, as required by law.

J. J. Lauve, Galveston; J. A. Staub, Galveston; C. M. Shannon, Galveston; J. E. Labuzan, League City; V. A. Smith, Galveston; O. R. Hoecker, Galveston; A. C. Still, Galveston; S. B. Bowers, Galveston; Worthy Boyd, Galveston; Melvin B.

Green, Dickinson; J. C. Murphy, Galveston; J. B. Gibson, Galveston; E. K. Marrast, Dickinson; H. T. Nelson, Galveston; Ernest G. Lewis, Galveston; C. M. Wolston, Galveston; J. A. Shannon, Galveston; T. T. Herzog, Galveston; John Garrison, Galveston.

Respectfully submitted,
DAN MOODY,
Governor of Texas.

Executive Department,
Austin, Texas, March 8, 1927.
To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons to the office set opposite their names, respectively:

David Rice, H. B. Rice, Jr., C. P. Reynaud, E. R. Morgan, T. E. Mulvihill, L. D. Bangard, C. G. Timmins, J. D. Woolford, A. E. Coles, R. E. Tankersley, D. A. Daley, J. H. Lewis, G. T. Christensen, R. R. Cottingham, all of Harris County, to be public weighers for Harris County, under Article 5692.

E. K. Marrast of Galveston County, to be public weigher for Galveston County, under Article 5692.

Respectfully submitted,
DAN MOODY,
Governor of Texas.

Read and referred to the Committee on Nominations by Governor.

Executive Department,
Austin, Texas, March 9, 1927.
To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons as notaries public of the respective counties listed below. These are presented for appointment under the authority of Senate Bill No. 29, of the Fortieth Legislature:

Reagan County.

Vera Sanderson, Big Lake.

Harris County.

Joe MacMurry, Houston; Roy Fullerton, Houston.

Potter County.

Irma B. Brown, Amarillo.

Coleman County.

Marion Flynt, Coleman.

Tom Green County.

Mrs. R. O. Smith, San Angelo.

Cass County.

R. C. Connor, Avinger; J. T. Stovall, Hughes Springs.

Stephens County.

T. B. Ridgell, Breckenridge.

Taylor County.

W. H. Dunson, Abilene.

Runnels County.

W. G. Bedford, Winters; Elba DeBusk, Ballinger; W. R. Hunton, Miles; H. E. Petty, Maverick; Miss Lenore Smith, Ballinger.

Gregg County.

C. F. Miles, Longview.
Respectfully submitted,
DAN MOODY,
Governor of Texas.

Executive Department,
Austin, Texas, March 10, 1927.
To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons to be notaries public of the counties respectively listed below. These are presented for appointment under authority of Senate Bill No. 29, of the Fortieth Legislature:

Cameron County.

C. R. Steward, Harlingen.

Red River County.

J. C. Bryan, Avery; W. N. Martin, Detroit; George Morrison, Clarksville; Tom Tipping, Clarksville; T. J. Whipple, Clarksville; Mrs. Pete Wilkerson, Fulbright; J. B. Pope, Annona.

Hopkins County.

Jack Callan, Cumby; Ruby Rippy, Sulphur Springs; Luther Shoffit, Sulphur, Springs.

Franklin County.

G. M. Patterson, Mt. Vernon.

Montague County.

True Strong, Nocona.

Lubbock County.

Chas. B. Metcalfe, Lubbock.

Grayson County.

W. C. Gormley, Sherman.

Cooke County.

James E. Dayton, Gainesville; C. P. Midkiff, Gainesville; J. H. Riley, Pilot Point; T. A. Hagans, Gainesville.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Executive Department.

Austin, Texas March 3, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons as notaries public of the respective counties listed below. These are presented for appointment under authority of S. B. No. 29 of the Fortieth Legislature:

Wichita County.

R. L. Edmondson, Ola Cochran, D. S. Lovelace, M. B. Dunagan, Homer Grizzine.

Dallas County.

James A. Goswick, Dallas; Earl T. Martin, Dallas.

Falls County.

Robt. F. Higgins, Marlin.

McLennan County.

Miss Welda Mar Carroll, Waco.

Tarrant County.

R. N. Riddle, Fort Worth.

Libscomb County.

Gladys S. Glisan, Higgins.

Hemphill County.

Dollie M. Ray, Canadian; J. Harry Knisely, Jr., Canadian; A. W. Poteet, Glazier.

Coleman County.

Maurine S. Cearnal, Coleman.

Brown County.

Dazie Noel, Brownwood.

Tom Green County.

Roy R. Priest, San Angelo.

Harris County.

I. K. Sheffield, Houston; Robert M. Washburn, Houston; P. H. Lamb, Houston; Bertha Newton, Houston; Beatrice Weir, Houston; Mary E. Thompson, Houston; Olin C. Johnson, Houston; Mrs. Theo. D. Bruce, Houston; N. H. Smith, Houston; W. J. Coulson, Houston; J. L. Keeper, Houston; L. M. Rowley, Houston; Vivian Gentry, Houston.

Fort Bend County.

J. W. Blake, Rosenberg; C. L. Bailey, Rosenberg; W. F. Finck, Rosenberg; Mrs. C. M. Glasgow, Rosenberg; Kitty Lane, Richmond; Willie Mae Otto, Rosenberg; W. H. Penkert, Beasley; W. W. Ward, Rosenberg.

Respectfully submitte,

DAN MOODY,
Governor of Texas.

Executive Session.

At 6:00 p. m., on motion of Senator Hall, the Senate went into executive session to consider nominations of the Governor.

After Executive Session.

The Secretary reported to the Journal Clerk the confirmation of the following appointments in executive session:

Reagan County.

Vera Sanderson, Big Lake.

Harris County.

Joe MacMurry, Houston; Roy Fullerton, Houston.

Potter County.

Irma B. Brown, Amarillo.

Coleman County.

Marion Flynt, Coleman.

Tom Green County.

Mrs. R. O. Smith, San Angelo.

Cass County.

R. C. Connor, Avinger; J. T. Stovall, Hughes Springs.

Stephens County.
T. B. Ridgell, Breckenridge.

Taylor County.
W. H. Dunson, Abilene.

Runnells County.
W. G. Bedford, Winters; Elba De-Busk, Ballinger; W. R. Hunton, Miles; H. E. Petty, Maverick; Miss Lenore Smith, Ballinger.

Gregg County.
C. F. Miles, Longview.

Cameron County.
C. R. Steward, Harlingen.

Red River County.
J. C. Bryan, Avery; W. N. Martin, Detroit; George Morrison, Clarksville; Tom Tipping, Clarksville; T. J. Whipple, Clarksville; Mrs. Pete Wilkerson, Fulbright; J. B. Pope, Annona.

Hopkins County.
Jack Callan, Cumby; Ruby Rippy, Sulphur Springs; Luther Shoffit, Sulphur, Springs.

Franklin County.
G. M. Patterson, Mt. Vernon.

Montague County.
True Strong, Nocona.

Lubbock County.
Chas. B. Metcalfe, Lubbock.

Grayson County.
W. C. Gormley, Sherman.

Cooke County.
James E. Dayton, Gainesville; C. P. Midkiff, Gainesville; J. H. Riley, Pilot Point; T. A. Hagans, Gainesville.

Wichita County.
R. L. Edmondson, Ola Cochran, D. S. Lovelace, M. B. Dunagan, Homer Grizzine.

Dallas County.
James A. Goswick, Dallas; Earl T. Martin, Dallas.

Falls County.
Robt. F. Higgins, Marlin.

McLennan County.
Miss Welda Mar Carroll, Waco.

Tarrant County.
R. N. Riddle, Fort Worth.

Lipscomb County.
Gladys S. Glisan, Higgins.

Hemphill County.
Dollie M. Ray, Canadian; J. Harry Knisely, Jr., Canadian; A. W. Poteet, Glazier.

Coleman County.
Maurine S. Cearnal, Coleman.

Brown County.
Dazie Noel, Brownwood.

Tom Green County.
Roy R. Priest, San Angelo.

Harris County.
I. K. Sheffield, Houston; Robert M. Washburn, Houston; P. H. Lamb, Houston; Bertha Newton, Houston; Beatrice Weir, Houston; Mary E. Thompson, Houston; Olin C. Johnson, Houston; Mrs. Theo. D. Bruce, Houston; N. H. Smith, Houston; W. J. Coulson, Houston; J. L. Keeper, Houston; L. M. Rowley, Houston; Vivian Gentry, Houston.

Fort Bend County.
J. W. Balke, Rosenberg; C. L. Bailey, Rosenberg; W. F. Finck, Rosenberg; Mrs. C. M. Glasgow, Rosenberg; Kitty Lane, Richmond; Willie Mae Otto, Rosenberg; W. H. Penkert, Beaseley; W. W. Ward, Rosenberg.

Motion to Recess.
Senator Holbrook moved to recess until 10:00 o'clock tomorrow morning.
The motion was lost by the following vote:

Yeas—12.	
Bailey.	Miller.
Bowers.	Russek.
Floyd.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Wood.
Nays—15.	
Berkeley.	Love.
Fairchild.	McFarlane.
Greer.	Moore.
Lewis.	Neal.

Pollard.	Smith.
Price.	Westbrook.
Real.	Wirtz.
Reid.	

Absent.

Bledsoe.	Witt.
Parr.	Woodward.

Recess.

On motion of Senator Pollard the Senate recessed until tonight at 8:00 o'clock.

After Recess.

The Senate was called to order at 8:00 o'clock p. m. pursuant to recess by Lieutenant Governor Barry Miller.

House Bill No. 488.

On motion of Senator Love the vote by which H. B. No. 488 was finally passed was reconsidered.

The vote by which the committee amendments were adopted was reconsidered.

The committee amendments failed to pass.

The bill was finally passed.

House Bill No. 282.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 282, A bill to be entitled "A Special Act applying to Dallas County only, providing for the maintenance and operation of a city-county hospital system for the City of Dallas and Dallas County, and for the appointment of a governing board, terms of office of the governing board, for the levying and collection of taxes, for the disbursement of funds, and for the government and operation for a complete general city-county hospital system, and declaring an emergency."

The bill was read second time.

The Senate rule was suspended by unanimous consent and the committee report adopted.

Senator Love sent up the following amendments:

Amendment No. 1.

Amend House Bill No. 282 by striking out Section 1 and substituting the following:

Section 1. That all counties in Texas having a population of 210,000 inhabitants, as shown by the census of 1920, in which are established hospitals jointly owned and operated by any city and county, in which

said hospital is located, the said counties or cities under the terms of a mutual agreement, and not otherwise, are hereby authorized to designate either the county or city government for the purpose of taking over the entire ownership and control of such hospitals upon such terms as may be mutually agreed upon between the city and county owning such hospitals and operating the same, and providing further that such portions of the tax hereinafter referred to shall, if voted by a majority of the qualified voters, be used to take care of the interest and sinking fund required by law on all outstanding bonds of the city or county theretofore issued which have been incurred against the building or maintenance of said hospitals or that may hereafter be issued. That in case it is determined by said mutual agreement for the city to take over the said hospitals and operate the same, the board of managers may be appointed by the governing body of the city in accordance with the terms of its charter or in accordance with its judgment.

Amendment No. 2.

Amend the caption of House Bill No. 282 by inserting after the word "courts" the first time it appears, the following:

"or commissioners of any city government now jointly owning and controlling such hospitals."

The amendments were read and adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 288 was put on its third reading and final passage, by the following vote:

Yeas—28.

Balley.	Neal.
Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wood.
Moore.	Woodward.

Absent.

Bledsoe. Witt.
Wirtz.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wood.
Moore.	Woodward.

Absent.

Bledsoe. Witt.
Wirtz.

Senate Bill No. 201.

H. B. No. 201, A bill to be entitled "An Act to permit the catching of sucker, buffalo, carp and shad during the months of July, August and September in Coryell, Hamilton, Erath and Hood Counties."

The bill was read third time and finally passed.

House Bill No. 572.

Senator Berkeley received unanimous consent to take up out of its regular order the following bill:

H. B. No. 572, A bill to be entitled "An Act to amend Chapter 2, Title 128 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a new article to be known as Article 7622-a, authorizing lands, either within or without existing water improvement districts, to be included within a district organized for cooperation with the United States under the Federal Reclamation Laws, for the purpose of the construction of irrigation works or the obtaining of a water supply therefrom, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills

to be read on three several days was suspended and H. B. No. 572, was put on its third reading and final passage, by the following vote:

Yeas—23.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	Woodward.
Neal.	

Absent.

Bledsoe. Russek.
Floyd. Wirtz.
Moore. Witt.
Parr.

Absent—Excused.

Bailey.

The bill was read third time and passed finally by the following vote:

Yeas 23.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	Woodward.
Neal.	

Absent.

Bledsoe. Russek.
Floyd. Wirtz.
Moore. Witt.
Parr.

Absent—Excused.

Bailey.

House Bill No. 588.

Senator Price received unanimous consent to take up out of its regular order the following bill:

H. B. No. 588, A bill to be entitled "An Act making it illegal to take or trap fur-bearing animals in Cass

County, and providing a penalty, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Price, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 588 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.
Pollard.	

Absent.

Bledsoe.	Parr.
Floyd.	Russek.
Moore.	

Absent—Excused.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bledsoe.	Parr.
Floyd.	Russek.

Absent—Excused.

Bailey.

House Bill No. 69.

On the motion of Senator Wood, H. B. No. 69 was ordered printed in bill form as well as in the Journal.

House Bill No. 470.

The Chair laid before the Senate by unanimous consent the following bill.

H. B. No. 470, A bill to be entitled "An Act amending Article 2686 of the Revised Civil Statutes of Texas by providing that appeals from the decision of the county superintendent of public instruction shall lie to the county school trustees, and from the county school trustees, to the court having proper jurisdiction of the subject matter, where a trial De Novo shall be had. All laws and parts of laws in conflict herewith are hereby repealed."

The bill was read second time. The committee report was adopted.

The bill was passed to third reading.

House Bill No. 475.

The Chair laid before the Senate, by unanimous consent the following bill:

H. B. No. 475, A bill to be entitled "An Act to amend Article 3092 (3093) of the Revised Statutes of the State of Texas for 1925, fixing in counties having a population of more than 70,000 and less than 100,000, as shown by the latest United States Census, and containing a city of more than 37,500 population, as shown by said United States Census, and composing two or more judicial districts with courts of general jurisdiction and having no district attorney, the maximum compensation to be paid to first assistants, heads of departments and other assistants to the office of county attorney in such counties, and providing for the allowing of such compensation and the manner of the payment thereof, by adding Section 3902-B (3903-B); and to amend Article 3902 (3903) of the Revised Statutes of the State of Texas for 1925, fixing in counties having a population of more than 70,000 and less than 100,000 as shown by the latest United States Census, and containing a city of more than 37,500 population, as shown by said United States Census and composing two or more judicial districts and the maximum compensation to be paid to first assistants or deputies heads of departments named in Article 3883, except the office of county attorney, in such counties, and providing for the allowing of such compensation and the manner of pay-

ment thereof, by adding Section 3902-C (3903-C); repealing all laws and parts of laws in conflict with the amendments herewith provided for, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator ?????, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 475 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.

Absent.

Miller.	Russek.
Parr.	

The bill was read third time and passed finally, by the following vote:

Yeas—21.

Berkeley.	Real.
Bowers.	Reid.
Greer.	Smith.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Neal.	Wood.
Pollard.	Woodward.
Price.	

Absent.

Bledsoe.	Moore.
Fairchild.	Parr.
Floyd.	Russek.
Hardin.	Stuart.
Miller.	

Absent—Excused.

Bailey.

House Bill No. 653.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 653, A bill to be entitled "An Act creating a special road law for Caldwell County, etc., and declaring an emergency."

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 69, put on its second reading and final passage, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Neal.	

Absent.

Moore.	Russek.
Parr.	

The bill was read second time.

The Senate rule was suspended by unanimous consent, and the committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 653 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Parr.	Russek.
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The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Parr. Russek.

House Bill No. 212.

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 212, A bill to be entitled "An Act to amend Articles 6686 and 6688 of Revised Civil Statutes of 1925, which articles provide for the manner of registering motor vehicles by manufacturers or dealers, the issuance of distinctive license plates to such dealers and manufacturers; and which amendments provide for the filing with the registration officer by every dealer affidavit of occupation as dealer, indicating make of motor vehicle sold; providing motor vehicles and motorcycles shall be registered in the county of residence of owner or of main place of business; providing for two number plates, marked 'front' and 'rear'; providing that every dealer or manufacturer shall transmit notice of every sale of motor vehicle to the Highway Department, and declaring an emergency."

The bill was read second time, committee report adopted, and passed to third reading.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 212 put on its third reading and final passage, by the following vote:

Yeas—22.

Berkeley.	Greer.
Bledsoe.	Hall.
Fairchild.	Hardin.

Holbrook.	Real.
Lewis.	Reid.
Love.	Smith.
McFarlane.	Triplett.
Miller.	Westbrook.
Neal.	Wirtz.
Pollard.	Witt.
Price.	Wood.

Absent.

Bowers.	Russek.
Floyd.	Stuart.
Moore.	Ward.
Parr.	Woodward.

Absent—Excused.

Bailey.

The bill was read third time and passed finally by the following vote:

Yeas—21.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Neal.	

Absent.

Bledsoe.	Russek.
Floyd.	Stuart.
Miller.	Ward.
Moore.	Woodward.
Parr.	

Absent—Excused.

Bailey.

Senate Bill No. 181.

The Chair laid before the Senate, by unanimous consent, the following bill:

S. B. No. 181, A bill to be entitled "An Act to amend Articles 3101, 3102, 3111, 3115, 3117, 3127, 3134, 3135, 3136, 3137, 3139, 3140, 3146, 3148 and 3152, of Title 50, Chapter 13, of the Revised Civil Statutes of Texas, 1925, relating to primary elections, and to repeal Article 3138, of said Title and Chapter of said Statutes, and also to repeal Articles 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098 and 3099, of said Title 50, Chapter 12, of said Statutes, and all other laws and parts.

of laws in conflict herewith, and to declare an emergency."

The bill was read second time and failed to pass.

House Bill No. 564.

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 564, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1926, and August 31, 1927, and declaring an emergency."

The bill was read second time, committee report adopted, and pass to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 564 put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Neal.	Witt.
Pollard.	Wood.

Absent.

Fairchild.	Moore.
Floyd.	Parr.
Miller.	Woodward.

Absent—Excused.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Berkeley.	McFarlane.
Bledsoe.	Neal.
Bowers.	Pollard.
Fairchild.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.

Ward.
Westbrook.
Wirtz.

Witt.
Wood.
Woodward.

Absent.

Floyd.
Miller.

Moore.
Parr.

Absent—Excused.

Bailey.

House Bill No. 563.

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 563, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State government, for the fiscal year ending August 31, 1927, and declaring an emergency."

The bill was read second time, committee report adopted, and passed to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days be suspended and H. B. No. 563 put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Neal.	Witt.
Pollard.	Wood.

Absent.

Bledsoe.	Moore.
Floyd.	Parr.
Miller.	Woodward.

Absent—Excused.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Berkeley.	Hall.
Bowers.	Hardin.
Greer.	Holbrook.

Lewis.	Smith.
Love.	Stuart.
McFarlane.	Triplett.
Neal.	Ward.
Pollard.	Westbrook.
Price.	Wirtz.
Real.	Witt.
Reid.	Wood.
Russek.	Woodward.

Absent.

Bledsoe.	Miller.
Fairchild.	Moore.
Floyd.	Parr.

Absent—Excused.

Bailey.

House Bill No. 609.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Williamson:

H. B. No. 609, A bill to be entitled "An Act to authorize the State Highway Commission to employ a chief auditor of accounts and expenditures, three engineer accountants or inspectors, and two equipment inspectors, fix their compensation and pay for the same out of the State Highway Fund."

The bill was read second time and passed to third reading.

House Bill No. 525.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 525, A bill to be entitled "An Act to provide for the fixing of the salary of the Secretary of the Railroad Commission from time to time, as the salaries of other State employes are fixed; repealing all laws and part of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 525 put on its third reading and final passage, by the following vote:

Yeas—23.

Berkeley.	Love.
Bowers.	McFarlane.
Greer.	Miller.
Hall.	Neal.
Holbrook.	Pollard.
Lewis.	Price.

Real.	Westbrook.
Reid.	Wirtz.
Smith.	Witt.
Stuart.	Wood.
Triplett.	Woodward.
Ward.	

Absent.

Bledsoe.	Moore.
Fairchild.	Parr.
Floyd.	Russek.
Hardin.	

Absent—Excused.

Bailey.

The bill was read third time and passed finally.

Senate Concurrent Resolution No. 13.

The Chair laid before the Senate by unanimous consent the following resolution:

S. C. R. No. 13, Relating to acceptance of titles to land given to State for park sites.

The resolution was read.

The committee report carrying amendment was read and adopted.

Senator Neal sent up the following amendment:

Amend the Resolution by striking out the period on page 3 in line 4 and insert in lieu thereof a semicolon, and adding thereafter the words "provided that nothing herein shall require the State hereafter to appropriate any money for the support and maintenance of such parks".

The amendment was read and adopted.

The Resolution was adopted.

House Bill No. 580.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 580, A bill to be entitled "An Act organizing and dividing the State of Texas into nine administrative and judicial districts, naming the counties composing each administrative district, providing for the appointment of a presiding judge in each administrative district; prescribing the powers and duties of each presiding judge; providing for the payment of expenses incurred in the administration of this Act, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 580 was put on its third reading and final passage, by the following vote:

Yeas—21.

Berkeley.	Price.
Bowers.	Real.
Greer.	Reid.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Neal.	Wood.
Pollard.	

Absent.

Bledsoe.	Parr.
Fairchild.	Russek.
Floyd.	Ward.
Hardin.	Woodward.
Moore.	

Absent—Excused.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Neal.	Witt.
Pollard.	Wood.

Absent.

Bledsoe.	Moore.
Floyd.	Parr.
Hardin.	Woodward.

Absent—Excused.

Bailey.

House Bill No. 426.

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 426, A bill to be entitled "An Act to provide for and regulate the method of taking or catching fish

in the public fresh waters of Marion and Harrison Counties, State of Texas; providing penalties for violation, and declaring an emergency."

The bill was read second time, committee report adopted, and passed to third reading.

On motion of Senator Price, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 426 put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Pollard.	

Absent.

Bledsoe.	Parr.
Floyd.	Woodward.
Hardin.	

Absent—Excused.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	

Absent.

Bledsoe.	Russek.
Floyd.	Woodward.
Parr.	

Absent—Excused.

Bailey.

Senate Bill No. 181.

On the motion of Senator Wirtz, the vote by which S. B. No. 181 failed to pass was reconsidered, and S. B. No. 181 was laid on the table subject to call.

Bills Signed.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 517.	H. B. No. 510.
H. B. No. 516.	H. B. No. 514.
H. B. No. 316.	H. B. No. 504.
H. B. No. 93.	H. B. No. 532.
H. B. No. 71.	H. B. No. 533.
H. B. No. 513.	H. B. No. 534.
H. B. No. 512.	H. B. No. 546.
H. B. No. 511.	

Messages From the House.

The Chair recognized the door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 379, A bill to be entitled "An Act to authorize and empower the State Highway Department of the State of Texas to make an allotment of aid from any monies available in the State highway fund and expend same in acquiring, constructing and maintaining any bridge spanning or to span any stream which form the boundary between this and any other State; to build and construct a bridge across any such stream; provided that such bridge shall connect a designated highway of this State with a designated highway of such other State and such other State shall have enacted a statute containing provisions similar to this statute providing for the said State to join in the matter of acquiring, constructing and maintaining of such bridge; providing that in no event shall the State Highway Department of this State allot or expend more than one-half of the amount necessary to acquire, construct and maintain any such bridge; expressing the assent of this State to the provisions of an Act of the Sixty-

fourth Congress of the United States, approved July 11, 1916, being 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes'; memorializing all States adjoining this State to enact a statute of this nature and the Congress of the United States of America to pass an act whereby any bridge now spanning any boundary between States and connecting designated highways of such States may be condemned for public use and maintained for the public use without charge and to provide the manner of such condemnation, and make appropriations to aid in the purchase, condemnation, construction and maintenance of such bridge for public use without charge to the public, and declaring an emergency."

H. B. No. 394, A bill to be entitled "An Act to amend Article 1056 of the Code of Criminal Procedure of the State of Texas of 1925, changing the pay of grand jurors to three dollars per day, and declaring an emergency."

H. B. No. 412, A bill to be entitled "An Act to amend Article 1350, of Title 17, Chapter 3, of the Revised Criminal Statutes of the State of Texas, of 1925, providing penalties for persons wilfully and maliciously destroying personal property, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Senate Bill No. 400.

The Chair laid before the Senate by unanimous consent the following bill:

S. B. No. 400, A bill to be entitled "An Act amending Articles 3170 and 3171, of the Revised Civil Statutes, 1925, etc., and declaring an emergency."

The bill was read second time.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 400 by adding after the enacting clause, all below the enacting clause S. B. No. 181.

The amendment was read.

Senator Witt made the point of order that the amendment was not germane to the bill.

The Chair sustained the point of order.

Senator Love sent up the following amendment:

Amend S. B. No. 400 by adding a new section to be numbered Section 3a as follows: "Section 3a. At each session of the Legislature after this Act shall take effect there shall be appointed a joint committee to be known as the Joint Committee on Campaign Expenditures to be composed of two members of the State Senate to be chosen by the Senate and three members of the House of Representatives to be chosen by the House of Representatives. It shall be the duty of this committee to hold meetings in the City of Austin on the first, second, third, sixth, and eighth Monday before each general primary election and shall remain in session for such time and thoroughly investigate at each such meeting all campaign expenditures of candidates for office as re-lected by their sworn reports thereof. The committee shall have power to send for persons and papers and to examine witnesses under oath, and shall hold open sessions. The compensation of the members of the committee shall be five dollars per day for the time actually devoted to their investigations together with hotel bills and travelling expenses actually expended.

The amendment was read and adopted.

The bill was passed to engrossment.

House Bills Read and Referred.

After their captions were read the Chair referred the following bills:

H. B. No. 379, referred to Committee on State Highways and Motor Vehicles.

H. B. No. 412, referred to Committee on Criminal Jurisprudence.

H. B. No. 394, referred to Committee on Civil Jurisprudence.

House Bill No. 161.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 161, A bill to be entitled "An Act amending Article 879 of Chapter 6 of Title 13 of the Revised Criminal Statutes of Texas of 1925, which article provides for the regulation of the seasons in which wild game may be hunted and killed, and the seasons in which it is lawful to hunt and kill such wild game, including doves, quail, pheasant, turkey, rail, plover, ducks, prairie chickens,

deer, bear and fox; and which amendment provides for seasons in which it shall be lawful to hunt and kill the wild game named and in which the season for hunting and killing such wild game shall be closed; and providing for the addition at the end of said article to the proviso that there shall be no closed season for the hunting and killing of squirrels and that it shall be lawful to hunt and kill the wild red or fox squirrels and the wild gray squirrels in the counties of Gonzales, Austin."

The bill was read second time.

The committee report carrying amendment was read and adopted.

Senator Berkley sent up the following amendment:

Amend H. B. No. 161, page 3, Article 879-G, line 4, by adding after the word "inclusive" "except that the open season on wild black tail buck deer in the counties west of the Pecos River shall be from November 16th to December 16th each year, both days inclusive."

The amendment was read.

On the point of order of Senator Wirtz, the Chair (Senator Bowers) held the amendment not germane to the bill.

Senator Lewis sent up the following amendment:

Amend H. B. No. 161, Art. 879-I, by adding thereto the following:

Provided there shall be a closed season in Polk County and it shall be unlawful for any person to hunt or kill any wild deer, wild turkey, wild quail and squirrels before December 1, 1931, and thereafter it shall be unlawful to hunt deer with dogs. Any person violating any provisions of this Article shall be deemed guilty of a misdemeanor and shall be fined in any sum of not less than \$10.00 nor more than \$100.00.

On the point of order of Senator Wirtz, the Chair (Senator Bowers) held the the amendment not germane.

The bill was passed to third reading.

Senate Bill No. 367.

The Chair laid before the Senate by unanimous consent the following bill:

S. B. No. 376, A bill to be entitled "An Act amending Title 12, of the Revised Civil Statutes of the State of Texas, so as to require all assignments for creditors to be recorded

in the deed records of the county of the assignor's residence within three days after the execution thereof, etc."

The bill was read second time, and laid on the table subject to call.

House Bill No. 497.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 497, A bill to be entitled "An Act directing the State Board of Education to make an apportionment of funds according to scholastic census of certain school districts; providing the method of taking the census; making an appropriation therefor, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 497 put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.

Absent.

Bledsoe.	Parr.
Floyd.	Russek.
Hardin.	Woodward.

Present—Not Voting.

Bailey.

The bill was read third time.

The roll call developed no quorum as follows:

Yeas—18.

Berkeley.	Miller.
Bowers.	Moore.
Fairchild.	Neal.
Hall.	Pollard.
Holbrook.	Price.
Love.	Real.
McFarlane.	Reid.

Smith.
Triplett.

Westbrook.
Wirtz.

Absent.

Bledsoe.	Russek.
Floyd.	Stuart.
Greer.	Ward.
Hardin.	Witt.
Lewis.	Wood.
Parr.	Woodward.

Present—Not Voting.

Bailey.

Adjournment.

On motion of Senator Holbrook, the Senate at 8:43 adjourned until Monday morning at 10:00 o'clock.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 242 carefully examined and compared, and find the same correctly enrolled and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 64 carefully examined and compared, and find the same correctly enrolled and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 479 carefully examined and compared, and find the same correctly enrolled and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 470 carefully examined and compared, and find the same correctly enrolled and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 468 carefully examined and compared, and find the same correctly enrolled and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 247 carefully examined and compared, and find the same correctly enrolled and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 364 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 147 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 471 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 469 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:30 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 404 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 135 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 136 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 474 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 34, A joint resolution "Proposing an amendment to the Constitution of the State of Texas authorizing the Legislature to provide by the remission of ad valorem taxes under certain restrictions, or otherwise, for the reclamation of land from waters and floods, or the protection of lives and property from waters and floods in any territory within this State."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

STUART, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 653, A bill to be entitled "An Act creating a special road law for Caldwell County, Texas, requiring surety bonds of road overseers, containing provisions that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1927, setting forth the method of said operation and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 647, A bill to be entitled "An Act amending Subdivision 64 of Article 199 of the Revised Civil Statutes of 1925 so as to change the time of holding district court in Bailey County in the Sixty-fourth Judicial District of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,
Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 615, A bill to be entitled "An Act amending Article 2839, Revised Statutes of 1925, Section 1, Chapter 176, Acts of the Thirty-ninth Legislature; providing for permanent text book commission for the State of Texas; providing for membership of said board and for their method of appointment; providing for prescribed qualifications of its members; providing for their term of office; providing for amendment of Article 2840, Section 2, Chapter 176, Acts of the Thirty-ninth Legislature;" etc.

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, with committee amendments, and be printed in the Journal only.

WITT, Chairman.

Amendment No. 1 to H. B. No. 615.

Amend Section 5 of H. B. No. 615 by striking out all of Section 5 and substituting in lieu thereof the following:

Section 5. That Article 2847, Revised Statutes of 1925, which is also Section 9 of said Chapter 176, Acts of the Thirty-ninth Legislature, is hereby amended so as to hereafter read as follows:

Article 2847. Filing of Bids.—All bids submitted to the Textbook Commission for the furnishing of textbooks shall be deposited with the Chairman of the Commission, to be delivered by him to the Commission in session for the purpose of considering the same. Such bid shall state the price at which the books will be

furnished to the State of Texas, f.o.b. the bidder's Texas depository, which price must be in accord with that printed or stamped in the sample copies of the books previously deposited, and shall also state the terms and conditions upon which said books shall be furnished, which terms and conditions, shall not be in conflict with the other provisions of this chapter.

Each bidder shall file with the Secretary of the Commission on the day that the Commission meets an affidavit executed by the individual bidder, or a member of the firm or the president and secretary of the corporation bidding, which shall state that all the taxes levied against the bidder under and by virtue of Chapter 148, Acts of the Twenty-ninth Legislature, and all other acts amendatory thereof, have been paid and shall be accompanied by official certificates in support of such statement, where such certificate can be secured; such affidavit shall also state the name or names of all the people employed to act for such bidder, directly or indirectly, in any way whatsoever in securing the contract or in the preparation of its bids, and supporting documents, with the addresses of such individuals and the capacity in which they serve; and said affidavit shall further state the names of any and all other persons who may have at any time during the preceding year received, either directly or indirectly any money or other thing of value from said company, by way of emolument for services rendered in this State, either directly or indirectly, in securing, or attempting to secure, contracts for the sale of books of said publisher, or in promoting the sale of such books to the State of Texas; and that no member of the Commission is in any way interested, directly or indirectly, in such individual, firm or corporation bidding; and in the event any publisher, after filing said affidavit, shall employ an attorney or other representative to assist in securing the award of a contract by the commission he shall disclose such employment to the commission by filing a supplementary affidavit before any contract in which he is interested shall be awarded.

No publisher who cannot and does not comply with these provisions shall be eligible to bid.

No bid shall be considered from, and no contracts shall be made with any publisher not eligible to bid under the provisions of this law, and any contracts made with an ineligible bidder shall be void. The statements made in all affidavits filed by the publisher with the bid shall be considered warranties, and if found to be untrue, shall subject the contract to forfeiture and authorize a recovery on the bond to the full amount thereof, as liquidated damages, unless it be shown that such mis-statement or non-disclosure of fact was unintentional or an oversight on the part of said publisher.

Amendment No. 2 to H. B. No. 615.

Amend H. B. No. 615 by striking out all of Section 7, page 10, and inserting in lieu thereof the following:

Section 7. Article 2852, Revised Civil Statutes of 1925, which is also Section 14 of said Chapter 176, of the Thirty-ninth Legislature, is hereby repealed and there is inserted in its place the following provision:

Art. 2852. Books to be bought at reduced prices.—The maximum price which the Texas State Textbook Commission shall contract to pay for any book to be used in the public schools of this State shall be the minimum price at which the publisher sells such book in wholesale quantities, f.o.b. the publisher's publishing house, after all discounts have been deducted, plus actual freight charges from said shipping point to the Texas depository of such publisher. Any contract made for the purchase of books for use in the public schools of this State at a higher price than the maximum price fixed by the preceding sentence of this article shall be void."

Amendment No. 3 to H. B. No. 615.

Amend Section 2 by adding the following:

"In the event any member of said commission becomes interested in any publishing company, as an agent, representative, or author, such publishing company shall be barred from submitting bids until after the contracts made by the commission, of which said agent, representative, or author was a member, have expired."

Amendment No. 4 to H. B. No. 615.

Amend Section 9 by striking out the following:

"Books purchased in accordance with the terms of this Act shall be delivered to the school districts F. O. B. the Texas depository of the publisher and shall be shipped by freight, parcel post, or express, as may be set out in the requisition therefor. In case it is necessary for the publisher or the depository to prepay any shipping charges, same shall be repaid by the State in addition to the bill for books; provided that the State Department of Education should be given authority to direct the route by which said books should be shipped."

And insert in lieu thereof the following:

"Books purchased in accordance with the terms of this Act shall be delivered to the school districts F. O. B. the Texas depository of the publisher and shall be shipped by freight, parcel post or express, as may be set out in the requisition therefor. In case it is necessary for the publisher or the depository to prepay any shipping charges, same shall be repaid by the State, in addition to the bill for books, and in the same manner that the books are paid for; provided that the State Department of Education shall be given authority to direct the route by which said books shall be shipped."

Amendment No. 5 to H. B. No. 615.

Amend Section 9 by striking out the following language:

"Every party, person, firm, or corporation with whom the State has unexpired valid contracts for books, under the provisions of this law, shall, on or before January 15th, of each year, file with the State Superintendent of Public Instruction a statement, under oath, of such individual or member of the firm, or the president and secretary of such corporation, showing the complete cost of the maintenance of its depository in this State, itemizing all expenditures, together with a statement of all other expenses incurred and chargeable to business done in the State of Texas. No person, firm or corporation shall be permitted to bid, and no contract shall be made with any such person, firm, or corporation who has, at any time previously, failed or neglected to file such report within the time required, if such report was required, under the foregoing provisions."

And substitute in lieu thereof the following language:

"Any person, school not controlled by the State, or dealer in any county in the State may order books from the said State agency, or depository and the books so ordered shall be furnished at the same rate and discount as are granted to the State; provided, that in such case the State depository or agency may require that the price of books so ordered shall be paid in advance. Upon failure of any contractor to furnish the books as provided in the contract and in this Act, the county judge in the county wherein such books have not been furnished, shall report the fact to the Attorney General, and he shall bring suit on account of such failure in the name of the State of Texas in the district court of Travis County, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of one hundred dollars, and each day of failure to furnish the books shall constitute a separate offense, and the amount so recovered shall be placed to the credit of the State Text Book Fund."

By Brown.

H. B. No. 615.

A BILL

To be Entitled

An Act amending Article 2839; Revised Statutes of 1925, Section 1, Chapter 176, Acts of the Thirty-ninth Legislature; providing for permanent Text Book Commission for the State of Texas; providing for membership of said board and for their method of appointment; providing for prescribed qualifications of its members; providing for their term of office providing for the amendment of Article 2840, Section 2, Chapter 176, Acts of the Thirty-ninth Legislature; providing for the filing of affidavits of qualification for said members; providing for the amendment of Article 2842, Revised Statutes of 1925, Section 4, Chapter 176, Acts of the Thirty-ninth Legislature; providing for the continuing and discontinuing of text books; providing for the amendment of Article 2846, Revised Statutes of 1925, Section 8, Chapter 176, the Acts of the Thirty-ninth Legislature; providing for

notices of meetings of said board to be given; providing for the deposit of samples of each book on which bids may be submitted; providing for bids and cash deposits for all publishers making such bids; providing for amendment of Article 2847, Revised Statutes of 1925, Section 9, Chapter 176, Acts of the Thirty-ninth Legislature; providing for the filing of bids therefor f. o. b. at Texas Bidders Depository; providing for the filing of affidavits by each bidder; providing for amendment of Article 2849, Section 11, Chapter 176, Acts of the Thirty-ninth Legislature; providing for the submitting of bids in two forms with or without exchange privileges; providing for the amendment of Article 2852, Revised Statutes of 1925, Section 14, Chapter 176, Acts of the Thirty-ninth Legislature; providing for books to be bought at reduced prices; providing for the exclusive use of State adopted text books in the public free schools of the State of Texas for a period not to exceed six years; providing for the amendment of Article 2871, Revised Statutes of 1925, Section 35, Chapter 176, Acts of the Thirty-ninth Legislature; providing for depositories in the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2839, Revised Statutes of 1925, which is also Section 1, Chapter 176, Acts of the Thirty-ninth Legislature, be amended so as hereafter to read as follows:

Article 2839. The Commission. A permanent Textbook Commission of the State of Texas is hereby authorized and created, to be styled the "Texas State Textbook Commission" shall be composed of seven members appointed by the Governor with the advice and consent of the Senate, together with the State Superintendent of Public Instruction and the Governor of the State, who shall be ex-officio members of the same. In appointing members of the Textbook Commission, the Governor shall select as such members citizens of recognized ability from the various business and professional activities and teachers of recognized scholarship and professional standing, who shall

have been actively and continuously engaged in teaching or supervising in the public schools of this State for the past five years, and who have State permanent primary, or State permanent, State permanent high school or State permanent elementary certificates. One member of the said Board shall have had at least three years' experience in teaching in the schools of Texas below the high school within the five years immediately preceding the appointment, and the Commission shall represent as nearly as possible every phase of public school work. No two appointed members of the said Commission shall live in the same county. In the event any member, after appointment, shall move his place or abode into the same county as another member he shall thereby automatically vacate his position as a member of the said Commission.

The term of office of the appointive members shall extend to the end of the term of the officers making the appointment, unless sooner terminated by operation of the provisions of this law.

No person who has acted as a textbook agent for any author or Textbook publishing houses, or has been an author, or an associate author, or directly or indirectly interested in the publication of any book, or who owns stock in any publishing house or in any school book depository, shall be eligible to appointment on the Textbook Commission. Any vacancy occurring on said Commission from any cause shall be filled by appointment of the Governor as in the original appointments.

Appointments shall be made by the Governor during the Regular Session of the Legislature, and immediately thereafter the members shall be called together in special session to adopt such rules, regulations and by-laws to govern the action of the Commission as it may deem proper, not inconsistent with the provisions of this law.

Sec. 2. Article 2840, which is also Section 2 of said Chapter 176, Acts of Thirty-ninth Legislature, shall be amended so as hereafter to read as follows:

Art. 2840. Affidavit of Qualification.—Each member of the Commission before entering upon his duties as a member of the Commission shall make out and file with the Sec-

retary of State an affidavit that he is not and has not been directly or indirectly interested in or connected with or employed by any publishing house, person, firm or corporation submitting any books for adoption, or in any books offered for adoption, or in any books adopted, nor is he connected in business with any person or agent representing such house, person, firm or corporation to whom any contract may be awarded by said Commission during the term and duration of said contract, nor does he own stock in any school book depository, and that he is not connected in any business with any person or agent representing such house, firm or corporation, and that he will not become so interested and will not accept any position as agent or representative of any person, firm or corporation who may submit any books for adoption or to whom any contract may be awarded by said Commission during the term and duration of said contract, and that he is possessed of the qualifications required in Article 2839 as amended, and is under no disqualification mentioned therein.

Sec. 3. That Article 2842, Revised Statutes of 1925, which is also Section 4 of Chapter 176, Acts of the Thirty-ninth Legislature, be amended so as hereafter to read as follows:

Article 2842. Continuing, or Discontinuing Text Books.—It shall be the duty of the Commission to meet annually on the second Monday in October, and at such other times as it may be called together by the chairman, for the purpose of considering the advisability of continuing or discontinuing, at the expiration of each current contract, any or all of the State adopted textbooks in use in the public schools of Texas, and of making such adoptions as are provided for in Section 5 of this Act. Before making any change in the adopted series, however, the Commission shall, upon thorough investigation, satisfy itself that a change is necessary for the best interests of the school children and that such change is consistent with financial economy. Provided that unless new texts better suited to the requirements of the schools and at a price and quality satisfactory to the Commission are offered to supplant existing texts then the Commission shall renew the existing contract or contracts for such period as may be deemed advisable not

to exceed a period of six years. Provided, that wherever the contractor supplying any book agrees to renew the contract on the same terms for a period of not less than two years or more than six, the members of the Commission shall give preference to the offer of the company holding the contract if they shall thereby secure as good or better books at a lower price than by making a different contract, and it shall always be lawful for them to renew a contract on such terms as in their judgment may be for the best interests of the State. Provided further that before the Commission shall determine to displace any book upon which the contract is expiring, it shall, before making a new contract for a new text, ascertain through the office of the State Superintendent of Public Instruction, the number of usable books of the kind on which the contract has, or is about to expire, there are on hand, and also the estimated number of such books that would be required to supply the needs of the schools of the State using said books for the first, second and third years immediately succeeding the expiration of the contract on such books. The Commission shall then secure from the publisher of such book a bid or offer for the furnishing of such textbooks to meet the actual necessities of the schools of the State during the first, second and or third year period, allowing the State, however, a margin of twenty-five per cent over, or twenty-five per cent under, the estimated number to be required. If, upon consideration of the cost of the books required to supply such needs for such a period, it appears to the Commission that it will be economical to do so, it may make a contract with such publisher to furnish such books during said first, second and or third year period with a view to using up the entire supply of such books on hand instead of wasting the same at the expiration of the original contract. At the expiration of said period, the Commission shall then make a contract for a textbook on the subject. No contract shall ever be made, binding the State to buy a specific number or a specific quantity of textbooks, but all contracts shall be for such books as the State may need and the purpose of furnishing an estimated number of books needed, as above provided, shall have as its

purpose to give the textbook publishers only an approximation as to the possible quantity of books which the State may need. The contracts for the total number of different texts adopted shall be so arranged, in adoptions taking place after the passage of this Act, that contracts on not more than one-sixth of the total number of different basal subjects shall expire in any one year, or shall be changed in any one year. The series of copy books and the series of drawing books shall each be considered as one book. If no text or texts on any prescribed subject or subjects are submitted by any particular publisher or publishers that meet the requirements of the schools, as may be determined by the Commission, then it shall be the duty of the Chairman of the Commission, to instruct the Secretary of the Commission to investigate the book markets for the purpose of securing bids with a view of providing at most reasonable price or prices possible, the best available texts on any and all subjects that are to be adopted by the Commission for the schools of Texas. At the time the Superintendent of Public Instruction undertakes to secure a statement of the number of usable books on hand, as provided above, he shall also secure from the superintendents of independent school districts and county superintendents an expression as to whether or not they believe the existing text should be re-adopted or a new text adopted, and such information shall be for the use of the Textbook Commission, but the Textbook Commission shall not be bound to re-adopt the old text or to adopt a new text by reason of such expression or preference by such superintendents.

Sec. 4. Article 2846. Revised Statutes of 1925, which is also Section 8, of Chapter 176, of the Acts of the Thirty-ninth Legislature, is hereby amended so as hereafter to read as follows:

Article 2846. Notice of meeting to be given. When texts are to be selected and adopted under the provisions of this law, or where a contract for a text then in use is about to expire, the chairman of the Commission shall, two months in advance of the meeting of the Commission, at which time the adoption may be made, give public notice by having printed in the public press a notice to the effect that such meeting

will be held and that adoptions will be made, and by sending written notices to all persons, firms or corporations in whose behalf such notices shall have been requested. Such notices shall state the time and place of the meeting of the Commission, the subjects on which textbooks may be adopted, and the last date on which sample copies of books offered, prepared as provided in the succeeding paragraph of this Article shall be deposited, the amount of the cash deposit required, the time allowed for signing contract and filing bond after award is made; and that formal proposals will be received on the date of the meeting.

Deposit of Samples.—At least thirty days prior to the date of the meeting of the said Commission, every person, firm or corporation desiring to submit bids shall file with the State Superintendent of Public Instruction nine copies of each book on which a bid will be submitted, in each of which copies there shall be printed or stamped a statement of the price at which such book and special editions thereof are sold in other places under State or county adoptions, and the minimum quantities in which it will be sold at such prices, and there shall also be printed or stamped in such books a statement of the publisher's catalogue price of the same, and special editions thereof, together with trade discounts and the conditions under which, and the purchasers to whom, such discounts are allowed, and the place of delivery. There shall also be printed or stamped in each book the price at which it is offered to Texas, f. o. b. the publisher's Texas depository, with and without exchange. There shall also be printed or stamped in each book, the minimum wholesale price at which such book, and special editions thereof, are sold f. o. b. the shipping point of the publisher, and the name of the shipping point shall also be stated.

Bids and cash deposits.—Bids, when filed by the publishers, shall state specifically at what price each book will be furnished; and each bidder shall file with the Secretary of the Commission on the day that the Commission meets or within the last five (5) days just preceding the date on which such Commission meets, an affidavit executed by the individual bidder or a member of the firm or the president and secretary of the

corporation bidding, which shall set forth all of the facts with reference to the eligibility of the bidder to make a proposal. Such deposit shall be forfeited to the State absolutely if such bidder so depositing shall fail or refuse to make and execute the contract and the bond required within such time as the Commission may require, which time shall be specified in the notice advertised. Such deposits shall be returned to the unsuccessful bidders on certificate of the State Superintendent that no contract has been awarded on the bid for which the sum was deposited.

Sec. 5. That Article 2847, Revised Statutes of 1925, which is also Section 9 of said Chapter 176, Acts of the Thirty-ninth Legislature, is hereby amended so as hereafter to read as follows:

Article 2847. Filing of bids. All bids submitted to the Textbook Commission for the furnishing of textbooks shall be deposited with the chairman of the Commission, to be delivered by him to the Commission in session for the purpose of considering the same. Such bid shall state the price at which the books will be furnished to the State of Texas, f. o. b. the bidder's Texas depository, which price must be in accord with that printed or stamped in the sample copies of the books previously deposited, and shall also state the terms and conditions upon which said books shall be furnished, which terms and conditions, shall not be in conflict with the other provisions of this Chapter.

Each bidder shall file with the Secretary of the Commission on the day that the Commission meets, an affidavit executed by the individual bidder, or a member of the firm or the president and secretary of the corporation bidding, which shall set forth all of the facts with reference to the eligibility of the bidder to make a proposal. Such affidavit shall state that all the taxes levied against the bidder under and by virtue of Chapter 148, Acts of the Thirty-ninth Legislature, and all acts amendatory thereof, have been paid, and shall be accompanied by official certificates in support of such statement where such certificate can be secured; such affidavit shall also state the name or names of all the people employed to act for such bidder in any way whatsoever in securing the contract, or in the preparation of its

bids, and supporting documents, directly or indirectly, with the addresses of such individuals and the capacity in which they serve; and said affidavit shall further state the names of any and all other persons who may have, at any time during the preceding two years, received either directly or indirectly, any money or other thing of value from said company, by way of emolument for services rendered in this State, either directly or indirectly, in securing or attempting to secure, contracts for the sale of books of said publisher, or in promoting the sale of such books; and that no member of the Commission is in any way interested, directly or indirectly, in such individual, firm or corporation bidding. No publisher who cannot and does not comply with these provisions shall not be eligible to bid.

No bid shall be considered from, and no contracts shall be made with, any publisher not eligible to bid under the provision of this law, and any contracts made with an ineligible bidder shall be void. The statements made in all affidavits filed by the publisher with the bid shall be considered warranties, and if found to be untrue, shall subject the contract to forfeiture and authorize a recovery on the bond to the full amount thereof, as liquidated damages, unless it be shown that such misstatement or non-disclosure of fact was an unintentional oversight on the part of said publisher.

Sec. 6. That Article 2849, which is also Section 11 of the said Chapter 176, Acts of the Thirty-ninth Legislature, be amended so as hereafter to read as follows:

Art. 2849. Bids in two forms.—All publishers submitting bids under the provisions of this law shall submit their bids in two forms, one in which is stated the allowance made for the books then in use, and the property of the State when offered in exchange for the new books adopted under this law; the other without stating the allowance for said books, which books would remain the property of the State; provided that said allowance and condition for exchange if agreed to and accepted by the State shall be enforced only during the two scholastic years following a change in books; both prices under these two forms of bids shall be

printed or stamped upon the sample copies deposited under the provisions hereof.

Sec. 7. Article 2852, Revised Statutes of 1925, which is also Section 14 of said Chapter 176 of the Thirty-ninth Legislature is hereby repealed, and there is inserted in its place the following provisions:

Art. 2852. Books to be bought at reduced prices.—The maximum price which the Texas State Textbook Commission shall contract to pay for any book to be used in the public schools of this State shall be the minimum price at which the publisher sells such book in wholesale quantities, f.o.b. the publisher's shipping point, after all discounts have been deducted, plus the actual freight charges from said shipping point to the Texas depository of such publisher. Any contract made for the purchase of books for use in the public schools of this State at a higher price than the maximum price fixed by the preceding sentence of this Article shall be void. The said Texas State Textbook Commission shall not contract with any publisher for the purchase of any book for use in the public schools of Texas, except at a substantial reduction under the price or prices at which the same book is sold by the same publisher in quantities of one hundred copies, or less, to persons who buy without the benefit of State or County contracts, or at prices not determined by the terms of some contract between said publisher and this State, or said publisher and some other State or political subdivision thereof. The words "same book," used above, shall include special editions of such book, or any publication by the same author or authors under the same name, or a similar name, containing substantially the same material. The words "substantial reduction" shall be such reduction as in the judgment of the Textbook Commission is a proper allowance on account of the quantity of the books to be purchased, under the State contracts, by the State of Texas.

Sec. 8. That Article 2860, which is also Section 22 of said Chapter 176, Acts of the Thirty-ninth Legislature, be amended so as hereafter to read as follows:

Art. 2860. Textbooks exclusive.—The books adopted by the Commission under the provisions of this law

shall be introduced and used as textbooks to the exclusion of all others in public free schools of this State for such period of years as may be determined by the Commission, not to exceed six years in any case; provided the right to the exclusive use of new books during the first three years of the term of any contract shall be waived by the contracting publishers to provide for the gradual introduction of new books; and provided further that nothing in this Act shall be construed to prevent or prohibit the trustees of school districts from purchasing textbooks with the local maintenance funds and furnishing free textbooks to the students in the event that no contracts are made by the State.

Sec. 9. That Article 2871, Revised Statutes, 1925, which is also Section 35 of Chapter 176, Acts of the Thirty-ninth Legislature, be amended so as hereafter to read as follows:

Art. 2871. Depositories. All parties with whom book contracts have been made shall establish and maintain in some city in the State a depository where a stock of their goods to supply all immediate demands shall be kept; all contractors not maintaining their own individual or separate State agencies or depositories shall maintain a joint agency or depository to be located at some suitable and convenient distributing point, at which general depository each contractor joining in said agency shall keep on hand a sufficient stock of books to supply the schools of the State.

Books purchased in accordance with the terms of this Act shall be delivered to the school districts f. o. b., the shipping point of the depository, and shall be shipped by freight, parcel post or express, as may be set out in the requisition therefor. In case it is necessary for the publisher or the depository to prepay any shipping charges, same shall be repaid by the State in addition to the bill for books; provided that the State Department of Education should be given authority to direct the route by which books should be shipped.

Every party, person, firm or corporation with whom the State has unexpired valid contracts for books under the provisions of this law,

shall, on or before January 15th of each year, file with the State Superintendent of Public Instruction, a statement under oath of such individual or member of the firm, or the president and secretary of such corporation, showing the complete cost of the maintenance of its depository in this State, itemizing all expenditures, together with a statement of all other expenses incurred and chargeable to business done in the State of Texas. No person, firm or corporation shall be permitted to bid, and no contract shall be made with any such person, firm or corporation who has at any time previously failed or neglected to file such report within the time required, if such report was required under the foregoing provisions.

Sec. 10. The importance of this legislation to the people of Texas, and the crowded condition of the calendar, together with the near approach of the date of adjournment of the Regular Session of this Legislature, creates an emergency and an imperative public necessity exists which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

H. B. No. 475, A bill to be entitled "An Act to amend Article 3902 (3903) of the Revised Statutes of the State of Texas for 1925, fixing in Counties having a population of more than 70,000 and less than 100,000, as shown by the latest United States Census, and containing two or more cities of more than 20,000 each as shown by said United States census, and composing two or more Judicial Districts with Court of general jurisdiction and having no district attorney, the maximum and compensation to be paid to first assistants, heads of departments and other assistants to the office of county attorney in such counties, and providing for the allowing of such compensation and the manner of the payment thereof, by adding Section 3902-B; repealing

all laws and parts of laws in conflict with the amendments herewith provided for, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 303, A bill to be entitled "An Act to amend Article 3135 of the Revised Civil Statutes of 1925, relating to returns to be made by County Clerks for District offices, in Districts composed of only one county, and repealing laws or parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and it be not printed.

Neal, Chairman; Pollard, Russek, Greer, Holbrook, Love, Smith, Ward, Bowers.

Committee Room.

Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education Affairs to whom was referred

H. B. No. 491, A bill to be entitled "An Act authorizing County Boards of School Trustees to make provision for the prompt payment of teachers' salaries by authorizing the County Depository Banks to charge interest on vouchers from the date of receipt by said banks until their liquidation; authorizing the County Board to direct Depository Banks to make financial reports as to resources and needs of school districts; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed in bill form, but be printed in the Journal.

WITT, Chairman.

By Conway.

H. B. No. 491.

A BILL

To Be Entitled

An Act authorizing county boards of school trustees to make provision for the prompt payment of teachers' salaries by authorizing the county depository banks to charge interest on vouchers from the date of receipt by said banks until their liquidation; authorizing the county board to direct depository banks to make financial reports as to resources and needs of school districts; repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That county boards of school trustees of the various counties of Texas shall, on September 1st of each year, or as soon thereafter as practicable, ascertain the current financial resources of each school district under their supervision, and in the event any of said districts do not or will not have sufficient funds on deposit to pay the salaries of teachers when and as due, authorize the depository bank of the county to charge interest at a rate to be agreed upon by said depository and said trustees, which rate shall not exceed eight per cent per annum on vouchers issued to teachers from the date of the receipt by said depository until sufficient funds accrue to the credit of the district issuing said vouchers to liquidate the respective vouchers. the said interest to be paid from the available funds of the district affected; provided that no voucher shall draw interest after sufficient funds have accrued in the depository for its payment, and provided further that the vouchers on which the interest is to be charged shall not exceed in amount fifty per cent of the current available funds of the district issuing said vouchers. And in order to enable the county board of trustees to make provision for paying teachers' salaries when due as provided for herein, the depository bank shall, on the request of the county board of trustees, furnish the county board with a report of the funds to the credit of the various school districts, and of the financial needs of said districts; and the financial statement of the said depository bank made at the close of scholastic year to the State Superintendent of Public Instruction shall include full

reports of all interest charged under the provisions of this Act.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 226, A bill to be entitled "An Act providing that any teacher holding a valid certificate classified as an 'Elementary Permanent Certificate' builded upon a temporary High School Certificate or 'High School Permanent Certificate,' under Article 2885 Revised Civil Statutes of 1925, shall be authorized to teach any subject in any common school or high school in this State, which subject such teacher was required to pass in order to acquire such certificate; and authorizing such teacher to contract as teacher, principal, superintendent, or other position to which he or she may be assigned, by the trustees or other governing body for all grades or subjects covered by his or her certificate, and receive the pay authorized by law for the grades or subjects contracted to be taught directing how such subjects shall be determined, and providing that no discrimination shall be made between certificates acquired by examination and those through attendance at Teachers' Colleges, repealing all laws and parts of laws in conflict with this Act and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed in bill form, but be printed in the Journal.

WITT, Chairman.

By Farrar.

H. B. No. 226

A BILL

to be entitled

An Act providing that any teacher holding a valid certificate classified

as an "Elementary Permanent Certificate" builded upon a temporary High School Certificate or first grade certificate or "High School Permanent Certificate," under Art. 2885 Revised Civil Statutes of 1925, shall be authorized to teach any subject in any common school or high school in this State, which subject such teacher was required to pass in order to acquire such certificate; and authorizing such teacher to contract as teacher, principal, superintendent, or other position to which he or she may be assigned, by the trustees or other governing body for all grades or subjects covered by his or her certificate, and receive the pay authorized by law for the grades or subjects contracted to be taught directing how such subject shall be determined, and providing that no discrimination shall be made between certificates acquired by examination and those through attendance at Teachers' Colleges, repealing all laws and parts of laws in conflict with this Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any teacher holding a valid certificate classified as an "Elementary Permanent Certificate" builded upon a Temporary High School Certificate or First Grade Certificate," or "High School Permanent Certificate" under Art. 2885, Revised Civil Statutes of 1925 shall be authorized to teach any subject in any grade in any common school or high school in this State, which subject such teacher was required to pass in order to acquire such certificate. And such teacher shall be authorized to contract as teacher, principal, superintendent or other position to which he or she may be assigned by the trustees or other governing body of any common school or high school for all grades and subjects covered by his or her certificate as aforesaid, and for the pay authorized by law for the grades or subjects so contracted to be taught. In determining the subjects required for any such certificate all subjects shall be considered, whether such certificate was issued as a permanent originally, or by building upon temporary certificates, so as to include all subjects passed upon as a whole to acquire such cer-

tificates, and no discrimination shall be made between certificates acquired by examination, and those acquired through actual attendance at teachers' or other colleges.

Sec. 2. Be it further enacted that all laws or parts of laws in conflict herewith are repealed.

Sec. 3. The fact that teachers holding certificates classed as "Elementary Permanent Certificates" are required to pass various advanced subjects embraced in high school grades, but are prohibited from teaching above the seventh grade although their educational acquirements and personal qualities often peculiarly fit them for service above the seventh grade, and because the superintendents and trustees of high schools are prohibited from assigning such teachers to subjects and grades above the seventh, and because teachers holding such certificates are disqualified from acting as principals of rural schools teaching above the seventh grade, and the service of the schools is hampered and impaired, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three successive days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 12, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

H. B. No. 644, A bill to be entitled "An Act to ratify, approve, conform and declare enforceable all levies and assessments and ad valorem taxes heretofore made by the governing body of the town of Pleasanton, in Atascosa County, Texas, not in excess of the limit now provided by law which are unenforceable because same were made or adopted by resolution, motion, or other informal action or order, instead of by ordinance, and of all assessments of taxes or assessments of property within the limits of said town for taxation which are insufficient because of technical irregularities in the manner of preparing the books and reports thereof, and of all equalizations of such property for taxation

purposes by boards of equalization acting for said town or its council which are insufficient because such equalizations or reports thereof were made orally or in incomplete form, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

LOVE Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to levy a tax upon retail dealers in tobacco and tobacco products and tobacco substitutes for the benefit of the public schools of the State of Texas, based upon the sales price at retail; to provide for the collection of such tax and to require the use of stamps as evidence of the payment thereof; to provide for an inspection of the records and stocks of all dealers subject to the payment of this tax, and prescribing penalties for the violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal, but not otherwise.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to levy a tax upon retail dealers in tobacco and tobacco products and tobacco substitutes for the benefit of the public schools of the State of Texas, based upon the sales price at retail; to provide for the collection of such tax and to require the use of stamps as evidence of the payment thereof; to provide for an inspection of the records and stocks of all deal-

ers subject to the payment of this tax, and prescribing penalties for the violation of this Act, and declaring an emergency."

Beg to differ with the majority of the committee and report the same back to the Senate with the recommendation that it do not pass.

WITT.

REAL.

HALL.

The bill was ordered printed in bill form.

FORTY-FIRST DAY.

Senate Chamber,
Austin, Texas, March 14, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Messages from the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following messages: